

Father Panteleimon 9/16/2009
Society of the Holy Transfiguration Monastery, Inc. v. Archbishop Gregory of Denver Colorado

<div style="text-align: right;">Page 1</div> <p style="text-align: center;">UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS</p> <p>-----x SOCIETY OF THE HOLY TRANSFIGURATION MONASTERY, INC.,</p> <p style="text-align: right;">Plaintiff,</p> <p>vs. Civil Action No. 07-12387-RGS</p> <p>ARCHBISHOP GREGORY OF DENVER, COLORADO,</p> <p style="text-align: right;">Defendant.</p> <p>-----x</p> <p>VIDEOTAPED DEPOSITION OF FATHER PANTELEIMON, a witness called by and on behalf of the Defendant, taken pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before James A. Scally, RMR, CRR, a Notary Public in and for the Commonwealth of Massachusetts, at the offices of O'Brien & Levine Court Reporting Services, 195 State Street, Boston, Massachusetts, on Wednesday, September 16, 2009, commencing at 9:00 a.m.</p>	<div style="text-align: right;">Page 3</div> <p style="text-align: center;">INDEX</p> <table> <tr> <th>WITNESS</th><th>EXAMINATION</th></tr> <tr> <td>FATHER PANTELEIMON (By Mr. Ingold)</td><td>8</td></tr> </table> <p style="text-align: center;">EXHIBITS</p> <table> <tr> <th>NO.</th><th>PAGE</th></tr> <tr> <td>7 The Great Horologion</td><td>103</td></tr> <tr> <td>8 A Prayer Book for Orthodox Christians</td><td>118</td></tr> <tr> <td>9 The Ascetical Homilies of St. Isaac the Syrian</td><td>143</td></tr> <tr> <td>10 The Octoechos</td><td>144</td></tr> <tr> <td>11 Collected Dismissal Hymns, Kontakia, and Megalynaria for the Liturgical Year</td><td>144</td></tr> <tr> <td>12-13 Pentecostarion</td><td>153</td></tr> <tr> <td>15 The Psalter</td><td>154</td></tr> <tr> <td>82 Statute Concerning Monasteries of the Russian Orthodox Church Abroad</td><td>86</td></tr> <tr> <td>84 Brochure entitled "The Orthodox Faith"</td><td>24</td></tr> <tr> <td>85 Brochure entitled "The Orthodox Church"</td><td>27</td></tr> <tr> <td>86 Document entitled "NPNF2-14. The Seven Ecumenical Councils"</td><td>35</td></tr> <tr> <td>87 12/15/60 agreement of association</td><td>44</td></tr> <tr> <td>88 2/13/61 certificate of incorporation</td><td>59</td></tr> </table>	WITNESS	EXAMINATION	FATHER PANTELEIMON (By Mr. Ingold)	8	NO.	PAGE	7 The Great Horologion	103	8 A Prayer Book for Orthodox Christians	118	9 The Ascetical Homilies of St. Isaac the Syrian	143	10 The Octoechos	144	11 Collected Dismissal Hymns, Kontakia, and Megalynaria for the Liturgical Year	144	12-13 Pentecostarion	153	15 The Psalter	154	82 Statute Concerning Monasteries of the Russian Orthodox Church Abroad	86	84 Brochure entitled "The Orthodox Faith"	24	85 Brochure entitled "The Orthodox Church"	27	86 Document entitled "NPNF2-14. The Seven Ecumenical Councils"	35	87 12/15/60 agreement of association	44	88 2/13/61 certificate of incorporation	59
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<div style="text-align: right;">Page 2</div> <p style="text-align: center;">APPEARANCES</p> <p>FISH & RICHARDSON PC 225 Franklin Street Boston, Massachusetts 02110 617-542-5070 By: Amy L. Brosius, Esq. Mary Raia Hamilton, Esq. Eric Jeffrey Keller, Esq. Counsel for the Plaintiff</p> <p>IRWIN & BOESEN 501 South Cherry Street Suite 500 Denver, Colorado 80246 303-320-1911 By: Christopher L. Ingold, Esq. Counsel for the Defendant</p> <p>Also Present: Archbishop Gregory Jason Lachapelle, Videographer</p>	<div style="text-align: right;">Page 4</div> <p style="text-align: center;">EXHIBITS</p> <table> <tr> <th>NO.</th><th>PAGE</th></tr> <tr> <td>89 11/27/70 amendment of incorporation</td><td>60</td></tr> <tr> <td>90 Excerpt of ROCOR website entitled "Decree of the Holy Sobor (Council) of the Russian Orthodox Church on Church Property and Finances"</td><td>89</td></tr> <tr> <td>91 Excerpt of ROCOR website entitled "Statutes and Regulations"</td><td>96</td></tr> <tr> <td>92 Holy Transfiguration Monastery catalog</td><td>127</td></tr> <tr> <td>93 Certificate of copyright registration</td><td>138</td></tr> <tr> <td>94 Spring 2005 catalog price list</td><td>169</td></tr> <tr> <td>95 Resolution of Metropolitan Vitaly suspending Archimandrite Panteleimon</td><td>234</td></tr> <tr> <td>96 Resolution of Metropolitan Vitaly to Hieromonk Isaac</td><td>237</td></tr> <tr> <td>97 Resolution of Metropolitan Vitaly to Monk Ephraim</td><td>237</td></tr> <tr> <td>98 Letter of Bishop Hilarion to Hieromonk Justin</td><td>243</td></tr> <tr> <td>99 Statement from the Chancery of the Synod of Bishops</td><td>254</td></tr> <tr> <td>100 Decree of the Synod of Bishops of the Russian Orthodox Church Outside of Russia</td><td>254</td></tr> <tr> <td>101 Affidavit of Father Pachomius</td><td>270</td></tr> </table> <p>(Exhibits were given to the court reporter to attach to the transcript.)</p>	NO.	PAGE	89 11/27/70 amendment of incorporation	60	90 Excerpt of ROCOR website entitled "Decree of the Holy Sobor (Council) of the Russian Orthodox Church on Church Property and Finances"	89	91 Excerpt of ROCOR website entitled "Statutes and Regulations"	96	92 Holy Transfiguration Monastery catalog	127	93 Certificate of copyright registration	138	94 Spring 2005 catalog price list	169	95 Resolution of Metropolitan Vitaly suspending Archimandrite Panteleimon	234	96 Resolution of Metropolitan Vitaly to Hieromonk Isaac	237	97 Resolution of Metropolitan Vitaly to Monk Ephraim	237	98 Letter of Bishop Hilarion to Hieromonk Justin	243	99 Statement from the Chancery of the Synod of Bishops	254	100 Decree of the Synod of Bishops of the Russian Orthodox Church Outside of Russia	254	101 Affidavit of Father Pachomius	270				
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<p>1 THE VIDEOGRAPHER: Here begins 2 videotape number 1 in the deposition of 3 Father Panteleimon in the matter of Society 4 of the Holy Transfiguration Monastery, Inc. 5 versus Archbishop Gregory of Denver, 6 Colorado, in the United States District 7 Court for the District of Massachusetts, 8 Case Number 07-12387-RGS. 9 Today's date is September 16th, 2009. 10 The time on the video monitor is nine 11 o'clock. 12 The video operator today is Jason 13 Lachapelle, a notary public contracted by 14 O'Brien & Levine Court Reporting Service, 15 195 State Street, Boston, Massachusetts. 16 This deposition is taking place at O'Brien 17 & Levine. 18 Counsel, please voice identify 19 yourselves and state whom you represent. 20 MR. INGOLD: My name is Chris Ingold 21 of the law firm of Irwin & Boesen from 22 Denver, Colorado. I represent the 23 defendant, Archbishop Gregory. 24 MS. BROSIUS: I am Amy Brosius of</p>	<p>1 that we're going to waive the requirement 2 for an identification card identifying the 3 deponent; is that correct? 4 MS. BROSIUS: That's correct. 5 MR. INGOLD: Okay. And also I 6 understood before the deposition began that 7 there may be some problem with him hearing, 8 and so I'm going to try to keep my voice 9 up. 10 THE WITNESS: I hear now. 11 MR. INGOLD: If I'm too loud, let me 12 know to be more quiet. 13 THE WITNESS: No. That's fine. 14 MR. INGOLD: Otherwise, I've got a 15 pretty good speaking voice. 16 THE WITNESS: It's good. Good, good. 17 MR. INGOLD: Okay. 18 MS. BROSIUS: Okay. 19 MR. INGOLD: And, certainly, as we 20 discussed in e-mails, if we need breaks, 21 just let me know. 22 MS. BROSIUS: Okay. 23 MR. INGOLD: Okay. And -- and if you 24 don't mind, I'll rely on you to let me know</p>
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<p>1 Fish & Richardson in Boston, Massachusetts, 2 representing the plaintiff, Society of the 3 Holy Transfiguration Monastery, Inc. 4 MS. HAMILTON: I'm Maria Hamilton, 5 Fish & Richardson -- Fish & Richardson as 6 well. Also representing the Holy 7 Transfiguration Monastery. 8 THE VIDEOGRAPHER: The court reporter 9 today is Jim Scally. Would the reporter 10 please swear in the witness. 11 12 FATHER PANTELEIMON, having been duly 13 sworn by the Notary Public, was examined 14 and testified upon his affirmation as 15 follows in answer to direct 16 interrogatories: 17 18 MS. BROSIUS: Can I just note before 19 we begin that Father Panteleimon's medical 20 condition may require that we take some 21 frequent breaks for food and -- and -- and 22 drink. 23 MR. INGOLD: Sure. And, Ms. Brosius, 24 I think we had talked before the deposition</p>	<p>1 that a break is needed. 2 MS. BROSIUS: Is that fair? 3 THE WITNESS: Good. 4 MS. BROSIUS: Good. 5 MR. INGOLD: Okay. 6 BY MR. INGOLD: 7 Q. Good morning. 8 A. Good morning. 9 Q. In some information in this case, we asked, "With 10 respect to Father Panteleimon, identify the following," and 11 we got an answer back that I wanted to check with you. 12 You were the founder of the Holy Transfiguration 13 Monastery? 14 A. Correct. 15 Q. Okay. When was that monastery founded? 16 A. 1960. 17 Q. 1960. Where was the monastery founded? 18 A. Haverhill, Massachusetts. 19 Q. What does it mean to found a monastery? 20 A. The first monastic in the community. 21 Q. Okay. 22 A. Or the future community. 23 Q. And where did you come from to bring the authority 24 to found the monastery?</p>

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<p>1 A. From the Holy Mountain of Athos in Greece.</p> <p>2 Q. Okay. Had you renounced your American citizenship</p> <p>3 to live on Mount Athos?</p> <p>4 A. No.</p> <p>5 Q. The response to some questions we asked also said</p> <p>6 that you are currently with Holy Transfiguration Monastery</p> <p>7 the elder?</p> <p>8 A. Yes. Founding.</p> <p>9 Q. Okay. And what does it mean to be the elder?</p> <p>10 A. Spiritual father.</p> <p>11 Q. Okay.</p> <p>12 A. Director. Spiritual director.</p> <p>13 Q. Like a desert father?</p> <p>14 A. No, not necessarily. Elder means like the older</p> <p>15 one.</p> <p>16 Q. Okay.</p> <p>17 A. An elder, what that word designates in English.</p> <p>18 Q. So not like a desert father, but a --</p> <p>19 A. Well --</p> <p>20 Q. Is it a title of age?</p> <p>21 A. No. It also means, yes, a reverence, a certain</p> <p>22 reverence as a spiritual father.</p> <p>23 Q. Okay. But not like a desert father?</p> <p>24 A. The Desert Fathers was another institution; they</p>	<p>1 members of Holy Transfiguration stopped commemorating the</p> <p>2 bishops of the Russian Orthodox Church Outside of Russia?</p> <p>3 A. A little previous.</p> <p>4 Q. A little previous before that, okay.</p> <p>5 Just trying to get a time frame. So that would</p> <p>6 have been around 1986?</p> <p>7 A. I don't remember.</p> <p>8 Q. Okay. But --</p> <p>9 A. Around, yes, around.</p> <p>10 Q. Around that time?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. '85, '86. I don't know. I don't remember.</p> <p>14 Q. The response to the question went on to say that</p> <p>15 currently with Holy Transfiguration Monastery, you are</p> <p>16 abbot emeritus.</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 A. Emeritus, right.</p> <p>20 Q. And what does it mean to be the current abbot</p> <p>21 emeritus of Holy Transfiguration Monastery?</p> <p>22 A. It's a position, respected position, seniority.</p> <p>23 Q. Okay. And are the members of the monastic</p> <p>24 community of Holy Transfiguration Monastery, are they under</p>
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<p>1 were hermits.</p> <p>2 Q. With? Would you have disciples?</p> <p>3 A. The disciples are the members of the community.</p> <p>4 Q. Okay. So Holy Transfiguration Monastery, would</p> <p>5 all the members of the monastery be counted as your</p> <p>6 disciples?</p> <p>7 MS. BROSIUS: Objection.</p> <p>8 A. Yes. Yes.</p> <p>9 Q. Okay. The --</p> <p>10 A. Followers. Disciples, followers.</p> <p>11 Q. Okay. The answer to a question we asked went on</p> <p>12 to say that you are also currently at Holy Transfiguration</p> <p>13 Monastery the spiritual director.</p> <p>14 A. No. I'm retired.</p> <p>15 Q. Okay. You would be the spiritual father, but not</p> <p>16 the spiritual director of Holy Transfiguration Monastery?</p> <p>17 A. Right. Correct.</p> <p>18 Q. Who is the current spiritual director at Holy</p> <p>19 Transfiguration?</p> <p>20 A. The abbot. The abbot.</p> <p>21 Q. Okay. When did you stop being the spiritual</p> <p>22 director at Holy Transfiguration Monastery?</p> <p>23 A. The middle '80s.</p> <p>24 Q. Okay. Was it around the time that Holy -- the</p>	<p>1 your authority?</p> <p>2 A. No. They're under the authority of the abbot.</p> <p>3 Q. Okay. And that is?</p> <p>4 A. Father Isaac.</p> <p>5 Q. Okay. And can I refer to him, then, as Abbot</p> <p>6 Isaac?</p> <p>7 A. Yes, of course.</p> <p>8 Q. Okay. All right. You are currently abbot</p> <p>9 emeritus. Would it be respectful if I were to refer to you</p> <p>10 as abbot?</p> <p>11 A. No.</p> <p>12 Q. Abbot Panteleimon?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. No. We don't have that in the Greek church.</p> <p>16 Q. Okay.</p> <p>17 A. See, in the Russian church, you can have many</p> <p>18 abbots in a monastery. It's just a title.</p> <p>19 Q. Okay.</p> <p>20 A. It's not the superior. You can have many</p> <p>21 archimandrites, and that's -- in the Greek typikon, it's</p> <p>22 different.</p> <p>23 Q. But I could refer to you as Abbot Emeritus</p> <p>24 Panteleimon?</p>

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<p style="text-align: right;">Page 13</p> <p>1 A. Yes, but no one does.</p> <p>2 Q. Okay.</p> <p>3 A. It's not church usage. I'm founder. I'm referred</p> <p>4 to as founder and commemorated as founder.</p> <p>5 Q. Okay.</p> <p>6 A. First, and then the abbot after.</p> <p>7 Q. So you could be referred to as Founder</p> <p>8 Panteleimon?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 A. Yes. Ktotor, ktotor in Greek. It's a title.</p> <p>12 Q. Okay. Your initial profession was to the Russian</p> <p>13 Monastery of St. Panteleimon on Mount Athos?</p> <p>14 A. Right. Right.</p> <p>15 Q. What does it mean to make an initial profession?</p> <p>16 A. That's where I was tonsured.</p> <p>17 Q. Okay. As a rassophor monk?</p> <p>18 A. As a rassophor monk.</p> <p>19 (Discussion off the record.)</p> <p>20 A. It's to be tonsured, to be a monk. That's when</p> <p>21 one's name changes. He's given a new name.</p> <p>22 Q. That was when you were tonsured as a rassophor</p> <p>23 monk?</p> <p>24 A. Right.</p>	<p style="text-align: right;">Page 15</p> <p>1 Russian Monastery of St. Panteleimon on Mount Athos, you</p> <p>2 migrated over to The Hermitage of St. John the forerunner</p> <p>3 of New Skete?</p> <p>4 A. No. No.</p> <p>5 Q. Okay. Help me understand what happened next.</p> <p>6 A. I was not a Greek citizen.</p> <p>7 Q. Okay.</p> <p>8 A. To live on the Holy Mountain, you have to be a</p> <p>9 Greek citizen, according to the Greek civil law, and they</p> <p>10 have a civil governor on the Holy Mountain. Although the</p> <p>11 Holy Mountain is supposed to be autonomous, self-governing,</p> <p>12 it's part of the Greek nation, and therefore they have a</p> <p>13 civil governor. I was advised by the monastery and by the</p> <p>14 American Council of Thessaloniki, who visited the monastery</p> <p>15 at the time of Pascha, resurrection of our savior, with the</p> <p>16 admiral of the Fifth Fleet in the Mediterranean, not to</p> <p>17 change my citizenship, because in the Balkans they have</p> <p>18 political upheavals, and they had some sad events at the</p> <p>19 end of the Second World War in the Holy Mountain. They</p> <p>20 arrested monks; they exiled them; they put them in prison,</p> <p>21 that they collaborated with the German occupation, that</p> <p>22 they -- which was all slander.</p> <p>23 Q. Were those the communists in Greece?</p> <p>24 A. Well, also, they had the communist civil war right</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. Okay. Were you also entered into the Small and</p> <p>2 the Great Schema at the Russian Monastery of St.</p> <p>3 Panteleimon?</p> <p>4 A. No, no.</p> <p>5 Q. Okay. After you were tonsured a rassophor monk at</p> <p>6 St. Panteleimon on Mount Athos, you migrated over to The</p> <p>7 Hermitage of St. John, the forerunner of New Skete on Mount</p> <p>8 Athos?</p> <p>9 MS. BROSIUS: Objection.</p> <p>10 A. No.</p> <p>11 MR. INGOLD: Form or foundation, so I</p> <p>12 can cure?</p> <p>13 MS. BROSIUS: Leading question.</p> <p>14 MR. INGOLD: I'm sorry?</p> <p>15 MS. BROSIUS: Leading question.</p> <p>16 MR. INGOLD: Of an adverse witness?</p> <p>17 MS. BROSIUS: Go ahead, Chris.</p> <p>18 MR. INGOLD: Okay. All right.</p> <p>19 BY MR. INGOLD:</p> <p>20 Q. Well -- that's fine. I was trying to understand</p> <p>21 so that I could cure.</p> <p>22 A. Yeah.</p> <p>23 Q. But that's fine. I won't try.</p> <p>24 After you were tonsured a rassophor monk at the</p>	<p style="text-align: right;">Page 16</p> <p>1 after --</p> <p>2 Q. Okay.</p> <p>3 A. -- the Germans retreated. So they were -- and</p> <p>4 told me, "Father, don't change your citizenship." But that</p> <p>5 meant every three months I had to get permission, as a</p> <p>6 foreigner, to remain in the Holy Mountain. And I had to</p> <p>7 have a document with stamps, and I'd pay, you know, for the</p> <p>8 stamps, et cetera, et cetera. But that could not go on</p> <p>9 indefinitely. So after a year I was given a release by the</p> <p>10 Holy Mountain -- by the monastery of St. Panteleimon. I</p> <p>11 have that on file, my release, canonical release.</p> <p>12 (Discussion off the record.)</p> <p>13 A. St. Panteleimon. That's how I got the name. They</p> <p>14 gave me the name of the saint of the monastery.</p> <p>15 And while I was on the Holy Mountain, I visited</p> <p>16 hermitages and other monasteries for -- as a pilgrim, but</p> <p>17 as a rassophor monk of St. Panteleimon. As a novice, they</p> <p>18 don't allow you to go out and visit anywhere outside the</p> <p>19 monastery. Once I was tonsured, I had a blessing, and</p> <p>20 always with a blessing, I could go and come.</p> <p>21 And I went to New Skete to give greetings to</p> <p>22 Father Joseph, whose spiritual father Ephraim was in the</p> <p>23 United States at the time, and he told me to give many</p> <p>24 greetings to his spiritual father there. And to the</p>

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<p style="text-align: right;">Page 17</p> <p>1 young -- a young monk, Joseph of Cyprus, who just reposed, 2 and he had four brothers in the city I was born. And they 3 told me to tell their brother that I knew all his nephews 4 and their families and many greetings, et cetera. So I -- 5 I went to give greetings; that's how I met the Elder Joseph 6 first time. 7 Q. Okay. From your point in time that you were 8 tonsured a rassophor monk at St. Panteleimon on Mount 9 Athos, how long before you then went over to The Hermitage 10 of St. John, the forerunner of New Skete? 11 A. It wasn't The Hermitage of St. John, the 12 forerunner. 13 Q. Okay. 14 A. That was at Little St. Anne. That was a cave. 15 (Discussion off the record.) 16 A. It was -- it was St. John the forerunner was a 17 cave hermitage, and Little St. Anne's not at New Skete. At 18 New Skete, it was many different little cells, because 19 there were many different members of the same brotherhood, 20 and they didn't live in one place; they lived at different 21 houses in the skete. A skete is like a village, a 22 spiritual monastic village. And so that it was not deemed 23 St. John, the forerunner. 24 Q. It was St. Anne's?</p>	<p style="text-align: right;">Page 19</p> <p>1 Mountain. So when I returned, because I had to leave the 2 Holy Mountain from St. Panteleimon monastery, and so then I 3 went to Constantinople, Istanbul, which is a seat of -- of 4 the orthodox church, and I interceded with the patriarch to 5 try to get a special dispensation of the Greek government 6 that I could live on the Holy Mountain without changing my 7 citizenship. 8 I was told by the consul in -- the American consul 9 that if I changed citizenship, I would no longer be an 10 American citizen, although I was born in the States. And 11 that if I ever want to visit, I had to get a visa. 12 Q. So the ecumenical patriarch, did he give you, 13 then, dispensation -- 14 A. No. 15 Q. -- or did he intercede with the -- 16 A. No. He told me he was very happy to see me. He 17 knew me as a little boy. He had baptized me when I was a 18 baby, because he was the archbishop in the United States 19 before he became patriarch in Constantinople. And he told 20 me, "Stay here in Constantinople. I will pay your" -- when 21 you go to university, you pay what, your -- 22 Q. Tuition? 23 A. Tuition. To go to the Theological School of 24 Halki.</p>
<p style="text-align: right;">Page 18</p> <p>1 A. No, no. St. Anne's is where the -- St. John's 2 forerunner was -- 3 Q. Oh, okay. 4 A. -- Little St. Anne's. 5 Q. So the village or the skete -- 6 A. New Skete. Nea Skiti. New Skete. 7 Q. Okay. So the group, the skete, that Elder 8 Joseph -- 9 A. Right. 10 Q. -- was the elder of was simply called New Skete? 11 A. Right. And they had three hermitages in that 12 skete. 13 Q. Okay. Who gave the blessing for you to transfer 14 from St. Panteleimon on Mount Athos to New Skete? 15 A. Since I had a release, I was free to ally -- ally 16 myself anywhere. I could go anywhere. 17 Q. And Elder Joseph accepted you into New Skete? 18 A. He adopted me. 19 Q. Okay. And from New Skete and the care of Elder 20 Joseph, you then came to the United States -- 21 A. Right. 22 Q. -- to found Holy Transfiguration Monastery? 23 A. Well, not -- not -- not exactly that. Since I did 24 not become a Greek citizen, I could not stay on the Holy</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Which is in Istanbul? 2 A. On an island in the -- in the sea. 3 Q. Okay. 4 A. One of the Princess Islands of Constantinople. 5 "And then we'll make you deacon and we'll make you 6 priest and you'll be here, and after many years here, we'll 7 send you back to the United States in an elevated 8 position." In other words, "We'll make you a bishop," et 9 cetera. 10 I wasn't looking to be a priest or a deacon or a 11 bishop. I wanted to be a monk. And since I did not find a 12 monastic environment in Constantinople, I left -- 13 Q. Okay. 14 A. -- after 11 days being a guest in the patriarchate 15 itself. 16 Q. So you went back to New Skete? 17 A. No. I went back to Greece. 18 Q. Okay. 19 A. I couldn't go to the Holy Mountain except now as a 20 guest. I had to get permission from the ministry of 21 exterior affairs, et cetera, et cetera. And you get -- 22 Q. Let's -- let's move forward to where you 23 founded -- 24 A. So then what happens is --</p>

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<p>1 Q. -- the Holy Transfiguration Monastery. Where did 2 you come from immediately before founding -- 3 A. So -- 4 Q. -- Holy Transfiguration Monastery? 5 A. All right. After -- after Constantinople, I came 6 back to Greece. 7 Q. Okay. 8 A. And there's a law in Greece that if you have Greek 9 parentage, after 18 continuous months of residency, you 10 automatically become a Greek citizen, and you can be 11 drafted in the Greek Army, if you're a male. So I exit 12 before the 18 months. 13 I went to Jerusalem, and I looked around there to 14 see if I could settle in the -- and I lived in monasteries 15 in the desert, the Judean Desert. But I didn't find the 16 typikon and the spiritual life that we had on the Holy 17 Mountain. 18 So I returned to Greece, but then I had a re-entry 19 so I could have another 18 months before I automatically 20 became a Greek citizen, according to the Greek government. 21 And the American government said, "If that's the case, 22 you're still American for us, but we can't interfere," he 23 said, "with the Greek government," which claims any 24 children born of Greek parents after 18 months in residency</p>	<p>1 summer of 1960, and I was made Schema monk in 1960. 2 Q. At what -- 3 A. At the cell of the elder. 4 Q. The cell of the Elder Joseph? 5 A. Which was the annunciation. 6 Q. As part of the -- 7 A. Their -- their -- 8 Q. -- skete of New Skete? 9 A. Yeah. The synodia of -- of the Elder Joseph. 10 Q. And who was the bishop or the authority -- 11 A. The elder at the time was Father Arsenios. 12 Q. Arsenios. 13 MS. BROSIUS: I was going to -- 14 excuse me. I don't mean to interrupt. I 15 think it would be helpful if you don't talk 16 over one another, because the court 17 reporter -- 18 THE WITNESS: Okay. 19 MS. BROSIUS: -- can't transcribe 20 two -- 21 THE WITNESS: All right. 22 MS. BROSIUS: -- people two people 23 talking. So if we can wait for Chris to 24 finish, and you can --</p>
Page 22	Page 24
<p>1 in Greece become Greek citizens automatically. "So just go 2 out for a day to Italy and come back, and then you're 3 fine." 4 So I came back to Greece. Then I visited the 5 holy -- as a visitor, I had to get permission from the 6 Greek government, the ministry of exterior affairs. And 7 then I went to New Skete and stayed with the Elder Joseph. 8 And from there, I came back to the United States. 9 Q. For -- 10 A. That was now 1958 I went. 11 Q. Where did you enter into the Small Schema? 12 A. I didn't enter the small. I went from rassophor 13 to Great Schema. 14 (Discussion off the record.) 15 A. From rassophor, from being a monk, simple monk, to 16 the final vows, solemn vows, directly. 17 Q. And that was under Elder Joseph? 18 A. No. He had reposed. 19 Q. Okay. 20 A. He reposed in 1959. I returned to the United 21 States in 1958. And I was a guest of a bishop in Boston; 22 that's why I'm in Boston. 23 Q. So where were you entered into the Great Schema? 24 A. I went back to the Holy Mountain in 1960, in the</p>	<p>1 THE WITNESS: All right. 2 MS. BROSIUS: -- wait for him to 3 answer, and we'll -- we'll take it down a 4 little. 5 A. Arsenios was the elder. And he's the one who 6 sponsored me -- 7 Q. Okay. 8 A. -- into the Schema. 9 Q. Okay. Now, you and I have been discussing 10 technical things like rassophor, tonsure, Small Schema, 11 Great Schema. Are these aspects of orthodoxy? 12 A. Yes. Monasticism. 13 Q. All right. I would like to hand you what's marked 14 as Exhibit 84. 15 And while he's off the record, if we can go off 16 the record, what I do is I'd say "I'm going to hand you 17 what's marked as," and I actually hand it to the court 18 reporter to mark it and hand it to you. But it makes for a 19 cleaner deposition if I just say "I'm going to hand you 20 what's marked as," and then -- 21 THE STENOGRAPHER: So this is 84? 22 MR. INGOLD: This is 84. 23 (Exhibit 84, brochure entitled "The 24 Orthodox Faith," marked.)</p>

<p style="text-align: right;">Page 25</p> <p>1 (Discussion off the record.)</p> <p>2 BY MR. INGOLD:</p> <p>3 Q. Founder Panteleimon, have you ever seen this</p> <p>4 document before?</p> <p>5 A. No.</p> <p>6 Q. I'll represent to you that it comes off of the</p> <p>7 website TrueOrthodoxy.</p> <p>8 A. No, no. I have not -- never seen it before.</p> <p>9 Q. Well, it actually begins on the second page, and</p> <p>10 then it comes back to the first page. So if you can take a</p> <p>11 look at the second page.</p> <p>12 A. Where?</p> <p>13 Q. At the upper right-hand corner on the second page</p> <p>14 is actually the beginning. These actually are -- are</p> <p>15 folded, and so they open up.</p> <p>16 A. So what -- I -- I -- I read it, yes.</p> <p>17 Q. Do these look like pretty basic principles of the</p> <p>18 orthodox faith?</p> <p>19 MS. BROSIUS: Objection.</p> <p>20 Q. From what you're able to see in your hands?</p> <p>21 A. I would need time to study it. It looks, yes,</p> <p>22 fine, but I mean I would have to really sit down and read</p> <p>23 the whole thing in context to know what's going on.</p> <p>24 Q. Well, let's just look at the first sentence on the</p>	<p style="text-align: right;">Page 27</p> <p>1 (Exhibit 85, brochure entitled "The</p> <p>2 Orthodox Church," marked.)</p> <p>3 Q. I'll represent to you that this document is also</p> <p>4 off of the website TrueOrthodoxy. Have you ever seen this</p> <p>5 document before?</p> <p>6 A. No, no, no.</p> <p>7 Q. So let's look at the same thing, second page,</p> <p>8 upper left-hand corner, just even looking at the first</p> <p>9 sentence there, "The Orthodox Church is the church of</p> <p>10 apostolic -- apostolic tradition and apostolic succession,</p> <p>11 the faithful and true church of Christ." Is that a true</p> <p>12 statement?</p> <p>13 A. True, true.</p> <p>14 Q. Okay. Are you and the members of the monastery of</p> <p>15 Holy Transfiguration Monastery members of the orthodox</p> <p>16 church?</p> <p>17 A. We believe so.</p> <p>18 Q. Okay. Is the current Russian Orthodox Church</p> <p>19 Outside of Russia part of the orthodox church?</p> <p>20 A. Yes and no.</p> <p>21 Q. Okay. How so?</p> <p>22 A. As long as the confession is right, yes. Where</p> <p>23 they're off and they've had now difficulties in which is</p> <p>24 the Russian church now outside Russia. There are four</p>
<p style="text-align: right;">Page 26</p> <p>1 second page there. It says, "We believe in accepting and</p> <p>2 obeying the whole apostolic tradition, both what the</p> <p>3 Apostles taught the church in person and what they taught</p> <p>4 through their writings."</p> <p>5 Is that a correct statement of orthodox doctrine?</p> <p>6 MS. BROSIUS: Objection.</p> <p>7 A. I don't even see the writings.</p> <p>8 Q. Upper left-hand corner.</p> <p>9 A. Upper left-hand -- oh, yes, this here.</p> <p>10 Q. The very top.</p> <p>11 A. Yes, yes.</p> <p>12 Q. "We believe in accepting and obeying the whole</p> <p>13 apostolic tradition, both what the Apostles taught the</p> <p>14 church in person and what they taught through their</p> <p>15 writings."</p> <p>16 A. Correct.</p> <p>17 Q. Is that correct --</p> <p>18 A. That's correct.</p> <p>19 Q. -- orthodox doctrine?</p> <p>20 A. Correct.</p> <p>21 MS. BROSIUS: Objection. Just give</p> <p>22 me a moment. Thank you.</p> <p>23 Q. Let me show you what's been marked as Deposition</p> <p>24 Exhibit 85.</p>	<p style="text-align: right;">Page 28</p> <p>1 parts. They've had a great blowup, a schism.</p> <p>2 Q. Well, let's talk about it. There's the Orthodox</p> <p>3 Church of America.</p> <p>4 A. Yes.</p> <p>5 Q. There's the autonomous Russian Orthodox Church</p> <p>6 Outside of Russia.</p> <p>7 A. Right.</p> <p>8 Q. There's the Moscow patriarchate --</p> <p>9 A. Right.</p> <p>10 Q. -- and then there's the catacomb churches.</p> <p>11 A. In many groups, the catacomb churches.</p> <p>12 Q. Right. Are those the four parts you were speaking</p> <p>13 of?</p> <p>14 A. No, no. The synod abroad itself --</p> <p>15 Q. Okay.</p> <p>16 A. -- is broken up.</p> <p>17 Q. So you're talking just about ROCOR --</p> <p>18 A. ROCOR.</p> <p>19 Q. -- is in four parts. Okay.</p> <p>20 Which part would you find to still be the orthodox</p> <p>21 church?</p> <p>22 A. Three parts.</p> <p>23 Q. Name them.</p> <p>24 A. The one that separated itself from those that</p>

<p style="text-align: right;">Page 29</p> <p>1 united to the Moscow patriarchate, united themselves; the 2 one under Bishop Valentine's synod, and the one under 3 Agathangelos Synod. But then there's another group under 4 Tikhon. So there's a lot of groups. 5 (Discussion off the record.) 6 THE VIDEOGRAPHER: Going off the 7 record. The time is 9:25. 8 (Recess.) 9 THE VIDEOGRAPHER: We're back on the 10 record. The time is 9:37. 11 MR. INGOLD: Okay. If the court 12 reporter could just read back the last 13 question. 14 (Record read.) 15 A. I said, now, you see, we don't belong to them, so 16 I think the names are right, but I would say just as a 17 general, those that are not in communion with the Moscow 18 patriarchate. 19 Q. Okay. So since the Russian orthodox -- 20 A. They're not in communion among themselves either, 21 for technical reasons. 22 Q. Since the Russian Orthodox Church Outside of -- 23 A. Russia. 24 Q. -- Russia is in communion with the Moscow</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. What do you say, then, is the -- 2 A. They are out -- they are out of order. We are not 3 in communion with them. 4 Q. Are they -- 5 A. We would not be. We would not be in communion 6 with them. 7 Q. Are they outside the orthodox church? 8 A. Well, you know, that's a technical thing, outside 9 the orthodox church. They identify themselves and they -- 10 as orthodox. They occupy the ancient sees. We consider 11 all the ancient sees in captivity now. 12 Q. Okay. 13 A. In captivity of heresy. That's why we're not in 14 communion with them. 15 Q. So I'm just trying to understand the framework 16 within which Holy Transfiguration Monastery is operating. 17 Is there any of the ancient patriarchal seats that you 18 would say is still part of the orthodox church in apostolic 19 succession? 20 MS. BROSIUS: Objection. 21 A. I don't think I'm competent to be answering all 22 this. I'm sorry. This is just -- how do you call it? You 23 should ask our bishops. 24 Q. Okay.</p>
<p style="text-align: right;">Page 30</p> <p>1 patriarchate as an autonomous church, are you saying that 2 no one in that church is in the orthodox church? 3 A. Well, they still claim that they're Russian 4 Orthodox Church Outside of Russia, the original one, the 5 ones that didn't go into communion with the Moscow 6 patriarchate; they still claim that -- the title. 7 Q. And what bishops govern that? 8 A. They made a bishop in the United States, Father 9 Andronik. Bishop Andronik. 10 Q. Of what state and city? 11 A. I don't know. I think he's in New York. 12 Q. Okay. 13 A. I don't know. He was a priest in Jerusalem at the 14 Russia mission there, and then he came here when the -- the 15 problems began, and he was ordained bishop. 16 Q. Is the church under the Patriarch of Antioch part 17 of the orthodox church? 18 MS. BROSIUS: Objection. I'm going 19 to object to this line of questions as 20 irrelevant. 21 A. They claim they are. 22 Q. Okay. What do you say? 23 A. They're out of order. They're in the heresy of 24 ecumenism.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. I refuse to -- 2 Q. I'm -- I'm sorry? 3 A. I am not the person to. Ask our bishops. 4 Q. Okay. I'm just trying to understand your 5 knowledge. 6 A. Our knowledge is that we are orthodox, continuing 7 the traditions of the orthodox church, and that we don't 8 participate in these movements, which are dubious and which 9 have led in captivity the ancient patriarchates, the 10 ancient sees. 11 Q. How about your personal knowledge? Based on your 12 personal knowledge of orthodoxy, are any of the ancient 13 patriarchal seats still part of the orthodox church, your 14 personal knowledge? 15 MS. BROSIUS: Objection. 16 A. They're part, out of order, though. 17 Q. What does that mean? 18 A. That means they're not writing divine the word of 19 truth and not teaching sound doctrine. But I can't say 20 that they're Protestants or Roman Catholics or Hindus or 21 Muslims or -- they identify themselves orthodox. We do 22 not -- we are not in communion with them because they are 23 out of order. If they would come back into order, of 24 course we'd be in communion with them.</p>

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<div>1 Q. Is there any canon that governs -- 2 A. There's many canons. 3 Q. Is there any canon that governs whether they could 4 be brought back into communion with -- 5 A. Many canons. 6 MS. BROSIUS: Objection. Let's 7 just -- sorry. Just let's just try to keep 8 it a little more moderated. 9 THE WITNESS: Yeah. 10 MR. INGOLD: Moderated in what way, 11 Ms. Brosius? 12 MS. BROSIUS: In that we don't speak 13 over one another. 14 MR. INGOLD: Sure. 15 MS. BROSIUS: It's difficult to 16 transcribe that way. 17 THE WITNESS: Yeah. 18 MS. BROSIUS: Thank you. 19 BY MR. INGOLD: 20 Q. Maybe this is a good time to jump in, because a 21 lot of times, attorneys will meet with their clients before 22 a deposition, and I do not want to know anything you've 23 spoken about with your attorney, but I do -- I just want to 24 ask you a few questions.</div>	<div>1 Q. Are you -- are you familiar with The Rudder? 2 A. Yes, of course. 3 Q. What is The Rudder? 4 A. It's a collection of the canons and the decisions 5 of the ecumenical councils, the seven ecumenical councils, 6 and local councils that were ratified by the ecumenical 7 councils. 8 Q. And also the Apostolic Canons? 9 A. Yes. 10 Q. Okay. I'm going to provide you with what will be 11 marked as Deposition Exhibit 86. 12 (Exhibit 86, document entitled 13 "NPNF2-14. The Seven Ecumenical Councils," 14 marked.) 15 Q. Can you take a moment and look at that document. 16 A. Well, what part of it? 17 Q. Probably the table of contents would help. 18 MS. BROSIUS: I'm so sorry. 19 A. It's a long table of contents. 20 Q. Let's look at Roman numeral III, which would be on 21 the second page, Roman numeral III on the bottom. There's 22 two pages per page. 23 A. Yes. 24 Q. Roman numeral III says "Table of Contents" at the</div>
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<div>1 Do you understand that your attorney may object 2 during this deposition? 3 A. Yes, but I don't understand it all. 4 Q. Okay. 5 A. I don't understand why -- 6 Q. Do you -- 7 A. -- one or the other objects. 8 Q. Okay. Do you understand that when I ask a 9 question, it would be helpful if you would pause for a 10 moment so that she could slip that objection in? 11 A. Oh, yes. 12 Q. Okay. 13 A. Yes, right. I should remember that. 14 Q. And -- and I'll also try to do the same and -- and 15 make sure that you've finished answering before I proceed. 16 And that way maybe we can make the court reporter happier. 17 A. Good. 18 Q. What canons would govern Holy Transfiguration 19 Monastery going back into communion with any of the ancient 20 patriarchal seats? 21 MS. BROSIUS: Objection. 22 A. It's too technical a situation to go into now in 23 five minutes, ten minutes. It would take a very long time 24 to pinpoint and to --</div>	<div>1 top? 2 A. Yes. 3 Q. Okay. Do you see "The First Ecumenical Council: 4 The First Council of Nicaea"? 5 A. Yes. 6 Q. Is that a council that provided canons that the 7 church must obey? 8 MS. BROSIUS: Objection. 9 A. I don't understand the question. 10 Q. Do you find the canons of the First Ecumenical 11 Council to be authoritative and binding on your life as a 12 monk? 13 MS. BROSIUS: Objection. You can 14 answer. 15 THE WITNESS: I can answer? 16 MS. BROSIUS: Uh-huh. 17 A. Binding for all Christians, all orthodox 18 Christians, yes. 19 Q. Okay. See -- see, that's my question. The canons 20 in The Rudder -- 21 A. Yes. 22 Q. -- they bind and govern your life as an orthodox 23 Christian, do they not? 24 A. Yes.</div>

<p style="text-align: right;">Page 37</p> <p>1 MS. BROSIUS: Objection.</p> <p>2 Q. Okay. So the canons out of the First Ecumenical</p> <p>3 Council would be one part of the canons of The Rudder; is</p> <p>4 that correct?</p> <p>5 MS. BROSIUS: Objection.</p> <p>6 A. Right.</p> <p>7 Q. Okay. Let's look at the next page, which is Roman</p> <p>8 numeral IV, and it has "The Canons of the Councils of</p> <p>9 Ancyra, Gangra," et cetera, et cetera. Those local</p> <p>10 councils were ratified by ecumenical councils, were they</p> <p>11 not?</p> <p>12 MS. BROSIUS: Objection.</p> <p>13 A. Yes, correct.</p> <p>14 Q. So they're also binding on your life as an</p> <p>15 orthodox Christian?</p> <p>16 MS. BROSIUS: Objection. You may</p> <p>17 answer.</p> <p>18 A. Correct.</p> <p>19 Q. Let's go on down to Roman numeral IX. The Second</p> <p>20 Ecumenical Council, those canons also are binding on the</p> <p>21 life of orthodox Christians, are they not?</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 A. Correct.</p> <p>24 MR. INGOLD: Counsel, can you give a</p>	<p style="text-align: right;">Page 39</p> <p>1 Holy and Ecumenical Seventh Council."</p> <p>2 A. Correct.</p> <p>3 MS. BROSIUS: Objection.</p> <p>4 Q. Those canons are also binding on the life of</p> <p>5 orthodox Christians, are they not?</p> <p>6 MS. BROSIUS: Objection.</p> <p>7 A. Right.</p> <p>8 Q. Okay. And the Seventh Ecumenical Council also</p> <p>9 ratified what's known as local councils in those canons; is</p> <p>10 that correct?</p> <p>11 MS. BROSIUS: Objection.</p> <p>12 A. Correct.</p> <p>13 Q. And those canons are also binding on the life of</p> <p>14 orthodox Christians, correct?</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 A. Correct.</p> <p>17 Q. Yes?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. And the councils also ratified, of course,</p> <p>20 the Apostolic Canons, did they not?</p> <p>21 MS. BROSIUS: Objection.</p> <p>22 A. Correct.</p> <p>23 Q. And those canons are binding on the life of the</p> <p>24 orthodox Christians, are they not?</p>
<p style="text-align: right;">Page 38</p> <p>1 form or foundation objection so that I --</p> <p>2 MS. BROSIUS: It's a relevance -- a</p> <p>3 relevancy objection.</p> <p>4 MR. INGOLD: Okay. All right. Thank</p> <p>5 you.</p> <p>6 Q. The next page, Roman numeral X, the Third</p> <p>7 Ecumenical Council, that also provided canons that are</p> <p>8 binding and authoritative for orthodox Christians, does it</p> <p>9 not?</p> <p>10 MS. BROSIUS: Objection.</p> <p>11 A. Correct.</p> <p>12 Q. The next page, Roman numeral XI, the Fourth</p> <p>13 Ecumenical Council, same thing, right, canons binding on</p> <p>14 your life as an orthodox Christian?</p> <p>15 A. Correct.</p> <p>16 MS. BROSIUS: Objection.</p> <p>17 Q. The next page, the Fifth Ecumenical Council?</p> <p>18 MS. BROSIUS: Objection.</p> <p>19 A. Correct.</p> <p>20 Q. Those canons are also binding on orthodox</p> <p>21 Christians, are they not?</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 A. Correct.</p> <p>24 Q. If you go to Roman numeral XXI, "The Canons of the</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Correct.</p> <p>2 MS. BROSIUS: Objection.</p> <p>3 Q. Is it these canons that we've just been talking</p> <p>4 about all together that are The Rudder that is described in</p> <p>5 the answers of Holy Transfiguration Monastery to some of</p> <p>6 our questions?</p> <p>7 MS. BROSIUS: Objection.</p> <p>8 A. I would think so, correct.</p> <p>9 Q. Okay. So these canons that we've just been</p> <p>10 talking about, if I refer to those as The Rudder, you know</p> <p>11 what I'm talking about, do you not?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Is The Rudder binding and authoritative on</p> <p>14 the life of the members of Holy Transfiguration Monastery?</p> <p>15 MS. BROSIUS: Objection. I just want</p> <p>16 to note for the record that -- excuse me --</p> <p>17 Father Panteleimon is here to speak in his</p> <p>18 individual capacity, not as a 30(b)(6)</p> <p>19 representative --</p> <p>20 THE WITNESS: Yes.</p> <p>21 MS. BROSIUS: -- of HTM.</p> <p>22 MR. INGOLD: That's fine. That's not</p> <p>23 a form or foundation objection. And he is</p> <p>24 the founder of Holy Transfiguration</p>

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<p>1 Monastery, so he might know whether The</p> <p>2 Rudder is binding on its members. Is that</p> <p>3 fair?</p> <p>4 MS. BROSIUS: I've lodged my</p> <p>5 objection.</p> <p>6 MR. INGOLD: Okay. And I've lodged</p> <p>7 my response to your objection.</p> <p>8 BY MR. INGOLD:</p> <p>9 Q. Founder Panteleimon --</p> <p>10 A. Yes, correct, correct.</p> <p>11 Q. Well, let me get a clear question so we can get a</p> <p>12 clear answer.</p> <p>13 Founder Panteleimon, is The Rudder in fact, and</p> <p>14 all the canons of The Rudder that we've just been</p> <p>15 describing, binding and authoritative on the members of</p> <p>16 Holy Transfiguration Monastery?</p> <p>17 MS. BROSIUS: Objection.</p> <p>18 A. Correct.</p> <p>19 Q. I'm sorry?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. Why?</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 A. We're orthodox Christians.</p> <p>24 Q. Okay. Can you be an orthodox Christian and reject</p>	<p>1 A. I'm not competent to --</p> <p>2 Q. Okay.</p> <p>3 A. -- judge.</p> <p>4 Q. What does it mean to reject canons as opposed to</p> <p>5 simply make mistakes? What's the difference?</p> <p>6 MS. BROSIUS: Objection. Excuse me.</p> <p>7 MR. INGOLD: Counsel, I'll give you a</p> <p>8 standing objection, if you want, just to</p> <p>9 help things run more smoothly.</p> <p>10 MS. BROSIUS: To all questions</p> <p>11 related to --</p> <p>12 MR. INGOLD: To relevance.</p> <p>13 MS. BROSIUS: Thank you. To all</p> <p>14 questions related to the canons, yes.</p> <p>15 MR. INGOLD: Sure, okay.</p> <p>16 A. When a person makes mistakes or not bearing in</p> <p>17 mind can -- certain canons, it doesn't mean he disrespects</p> <p>18 or he tramples them underfoot. It means that it escaped</p> <p>19 his attention at that moment. But the Church of Antioch</p> <p>20 synodically, they have trampled and rejected many canons,</p> <p>21 and so they're way out of order, and we would not be in</p> <p>22 communion with them until they come back to order.</p> <p>23 Q. Okay. So that's how important the canons of The</p> <p>24 Rudder are: They can't be rejected and you remain an</p>
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<p>1 the canons of The Rudder?</p> <p>2 A. You can, but not in good order.</p> <p>3 Q. Okay. So that's like the members --</p> <p>4 (Discussion off the record.)</p> <p>5 Q. Could you repeat your last statement? Can you be</p> <p>6 an orthodox Christian and reject the canons of The Rudder?</p> <p>7 A. No.</p> <p>8 MS. BROSIUS: Objection.</p> <p>9 A. Not reject.</p> <p>10 Q. Okay. What were you saying about you can be but</p> <p>11 not in good order; what do you mean by that?</p> <p>12 A. People sometimes make mistakes, people, and then</p> <p>13 they repent.</p> <p>14 Q. Okay. So the members of the Antiochian Orthodox</p> <p>15 Church under the patriarchate of Antioch, would those</p> <p>16 members have rejected the canons of The Rudders, or some of</p> <p>17 them, or would they simply be outside of order and still</p> <p>18 orthodox Christians?</p> <p>19 A. They --</p> <p>20 MS. BROSIUS: Objection.</p> <p>21 A. They have trampled upon many of the canons.</p> <p>22 Q. So have they rejected them or are they still</p> <p>23 orthodox Christians?</p> <p>24 MS. BROSIUS: Objection.</p>	<p>1 orthodox Christian; is that correct?</p> <p>2 A. Correct.</p> <p>3 Q. I've got my exhibits a little bit out of order</p> <p>4 here. (Pause.)</p> <p>5 Are there any canons of The Rudder that can be</p> <p>6 ignored?</p> <p>7 A. I don't think so.</p> <p>8 Q. Let me hand you what's been or will be marked as</p> <p>9 Exhibit 87.</p> <p>10 (Exhibit 87, 12/15/60 agreement of</p> <p>11 association, marked.)</p> <p>12 Q. Do you recognize Exhibit 87? Take your time, and</p> <p>13 then let me know.</p> <p>14 A. Yes.</p> <p>15 Q. What is Exhibit 87?</p> <p>16 A. It was the incorporation of the Society of Holy</p> <p>17 Transfiguration Monastery.</p> <p>18 Q. How is that the same or different than founding</p> <p>19 the monastery?</p> <p>20 A. Since we live in a country with civil laws, we</p> <p>21 have to abide by the civil laws, and we -- we don't have</p> <p>22 to, from a church point of view, incorporate, but from a</p> <p>23 civil point of view, we, to be in order, have to</p> <p>24 incorporate, to be a legal body, a recognized body, by the</p>

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<p>1 government, by the authorities.</p> <p>2 Q. So you're a founder of, what, the religious order</p> <p>3 of the Holy Transfiguration Monastery?</p> <p>4 A. Correct.</p> <p>5 Q. And you're an incorporator of the Society of the</p> <p>6 Holy Transfiguration Monastery, Incorporated?</p> <p>7 A. Right.</p> <p>8 Q. Okay. Do you understand what is meant by</p> <p>9 corporate person or corporate life?</p> <p>10 A. To a certain degree, but not the -- the fine</p> <p>11 points.</p> <p>12 Q. And that's fine. I want you to understand I'm not</p> <p>13 asking for any legal opinion from you.</p> <p>14 A. Yes.</p> <p>15 Q. No corporate lawyer opinions. I'm asking your</p> <p>16 personal perception and understanding.</p> <p>17 What is the distinction between the Society of</p> <p>18 Holy Transfiguration Monastery, Incorporated versus the</p> <p>19 order of the brotherhood of Holy Transfiguration Monastery?</p> <p>20 In other words, how do they operate, the same or different?</p> <p>21 Are there different leaders?</p> <p>22 A. We are not --</p> <p>23 MS. BROSIUS: Objection.</p> <p>24 MR. INGOLD: Form or foundation?</p>	<p>1 Q. Okay. So he provides some leadership and</p> <p>2 direction?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Is he also the head of the corporation, the</p> <p>5 Society of the Holy Transfiguration Monastery,</p> <p>6 Incorporated?</p> <p>7 A. I don't know the legal parts. I don't know. I'm</p> <p>8 not in a position to answer that.</p> <p>9 Q. How about when you were the abbot of Holy</p> <p>10 Transfiguration Monastery? Were you the head of the</p> <p>11 corporation as well?</p> <p>12 A. That I don't know either. I would think so, but I</p> <p>13 don't know.</p> <p>14 Q. Let -- let me help you understand the context in</p> <p>15 which my questions are being asked.</p> <p>16 A. Yeah, yeah.</p> <p>17 Q. Because that may be helpful. And to do that,</p> <p>18 let's take a look at what was previously marked as</p> <p>19 Deposition Exhibit 35. Have you previously seen this</p> <p>20 document?</p> <p>21 A. No.</p> <p>22 Q. Okay. You're looking at something, the first page</p> <p>23 of which reads "Complaint" about in the middle of the page,</p> <p>24 correct?</p>
Page 46	Page 48
<p>1 MS. BROSIUS: Form.</p> <p>2 MR. INGOLD: Okay.</p> <p>3 A. We are not living in a Christian commonwealth, an</p> <p>4 orthodox Christian empire. So, therefore, since there is</p> <p>5 no government which is orthodox, we have to abide by the</p> <p>6 governments we live in, the countries we live in, and</p> <p>7 that's abiding by -- even St. Paul says that we are to, as</p> <p>8 long as it doesn't interfere with our faith, to abide.</p> <p>9 Q. Okay. So the current authority for Holy</p> <p>10 Transfiguration Monastery is Abbot Isaac?</p> <p>11 A. He's the abbot.</p> <p>12 Q. Okay. So the --</p> <p>13 A. But it's not just one person. It's --</p> <p>14 Q. Right.</p> <p>15 A. -- council, and then we have a synaxis. Once a</p> <p>16 week we get together, the whole brotherhood.</p> <p>17 Q. Okay.</p> <p>18 A. And we can voice ourselves; we can discuss things.</p> <p>19 Q. Okay. But Abbot Isaac would be -- I'm sorry.</p> <p>20 A. And there's an advisory council to the abbot.</p> <p>21 Q. Would --</p> <p>22 A. Officers.</p> <p>23 Q. Would Abbot Isaac be chief among the elders?</p> <p>24 A. Well, yes. He's the abbot.</p>	<p>1 A. Right.</p> <p>2 Q. And it says "Society of the Holy Transfiguration</p> <p>3 Monastery, Incorporated, plaintiff, versus Archbishop</p> <p>4 Gregory of Denver, Colorado," correct?</p> <p>5 A. Correct.</p> <p>6 Q. So that's the corporation suing an individual</p> <p>7 clergyman, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. So is there a difference, then, between the</p> <p>10 brotherhood of Holy Transfiguration Monastery regarding</p> <p>11 this lawsuit and the corporation?</p> <p>12 MS. BROSIUS: Objection.</p> <p>13 A. We're one entity.</p> <p>14 Q. Okay. So the corporation and the brotherhood are</p> <p>15 actually one entity?</p> <p>16 A. Yes.</p> <p>17 Q. Is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. So the corporation is the face of the brotherhood</p> <p>20 toward the civil government; is that correct?</p> <p>21 MS. BROSIUS: Objection.</p> <p>22 A. Right. Correct.</p> <p>23 MR. INGOLD: Form or foundation?</p> <p>24 MS. BROSIUS: It's asking for a legal</p>

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<p style="text-align: right;">Page 49</p> <p>1 conclusion.</p> <p>2 MR. INGOLD: Okay.</p> <p>3 Q. Again, so that you understand, I don't want you to</p> <p>4 provide me with any legal opinions or try to act as a</p> <p>5 lawyer; is that fair?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 A. Of course.</p> <p>9 Q. I simply want to understand what your perceptions</p> <p>10 are as a former abbot and a current abbot emeritus of Holy</p> <p>11 Transfiguration Monastery. Is that understandable?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Can you answer my questions just in that</p> <p>14 capacity and not try to act as a lawyer?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 A. I hope.</p> <p>18 Q. So let me ask that question again with that</p> <p>19 understanding, that you will not be providing any kind of</p> <p>20 legal conclusions.</p> <p>21 Is, in your perception, the Society of the Holy</p> <p>22 Transfiguration Monastery, Incorporated, the corporation,</p> <p>23 the face of the brotherhood toward the civil government?</p> <p>24 MS. BROSIUS: Objection.</p>	<p style="text-align: right;">Page 51</p> <p>1 corporation, to act toward, say, other churches with which</p> <p>2 you are in communion?</p> <p>3 MS. BROSIUS: Objection.</p> <p>4 A. When we had an orthodox kingdom, an orthodox</p> <p>5 monarchy, everything was done through the church at the</p> <p>6 monasteries. Since we don't have an orthodox kingdom, and</p> <p>7 we are now separate from the civil situation, and we don't</p> <p>8 have canon law which governs also, today in the American</p> <p>9 civil, the Old Testament, the New Testament, the Ten</p> <p>10 Commandments, do not hold any authority.</p> <p>11 Q. Let me ask you --</p> <p>12 A. Justinian law, civil law of the empire, the</p> <p>13 Byzantine Empire, which was incorporated and encoded by</p> <p>14 Justinian, of course recognized primarily the law of God,</p> <p>15 and therefore we did not have this dichotomy, and we did</p> <p>16 not have to have separate situation and corporation.</p> <p>17 Q. Founder Panteleimon, you've mentioned Justinian</p> <p>18 law. Do you recognize that the civil law of Byzantium was</p> <p>19 always a separate entity from ecclesiastical law?</p> <p>20 A. Wasn't separate.</p> <p>21 MS. BROSIUS: Objection.</p> <p>22 A. It wasn't separate. It was intertwined.</p> <p>23 Q. It was intertwined, but there were two portions?</p> <p>24 A. Oh, yes, of course, of course. Because there were</p>
<p style="text-align: right;">Page 50</p> <p>1 A. Correct.</p> <p>2 MR. INGOLD: Form or foundation?</p> <p>3 MS. BROSIUS: Form.</p> <p>4 A. Correct.</p> <p>5 MR. INGOLD: Okay. What was wrong</p> <p>6 with the question? I'd like to cure it.</p> <p>7 MS. BROSIUS: Well, you know what,</p> <p>8 Chris -- okay, I'm going to alter my</p> <p>9 objection and it's on the basis that it was</p> <p>10 asked and answered.</p> <p>11 MR. INGOLD: Okay. All right.</p> <p>12 BY MR. INGOLD:</p> <p>13 Q. The brotherhood of Holy Transfiguration Monastery</p> <p>14 does not have a corporate face toward the church; is that</p> <p>15 correct?</p> <p>16 MS. BROSIUS: Objection.</p> <p>17 Q. In your perception.</p> <p>18 A. I don't understand the question.</p> <p>19 Q. Okay. The corporation is how the brotherhood</p> <p>20 deals with the civil government, correct?</p> <p>21 A. Correct.</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 Q. Is it, under the canons, appropriate, under The</p> <p>24 Rudder, for the brotherhood to use the civil form, the</p>	<p style="text-align: right;">Page 52</p> <p>1 members of the empire who were not Christians even.</p> <p>2 Q. And the members of the empire who were not</p> <p>3 Christian were still citizens --</p> <p>4 A. Yes.</p> <p>5 Q. -- of the empire?</p> <p>6 A. They were subject.</p> <p>7 MS. BROSIUS: Objection.</p> <p>8 A. Subject.</p> <p>9 Q. I'm sorry?</p> <p>10 A. Subject to the laws of the -- of the empire.</p> <p>11 Q. And they were subject to the civil law, not to the</p> <p>12 canon law?</p> <p>13 A. Right.</p> <p>14 Q. Okay. But the Christians were subject to both the</p> <p>15 civil law of Byzantium as well as The Rudder?</p> <p>16 A. Right.</p> <p>17 MS. BROSIUS: Objection.</p> <p>18 Q. Is that correct?</p> <p>19 A. Correct.</p> <p>20 Q. Is it your testimony here today that because</p> <p>21 Byzantium no longer exists, that the members of Holy</p> <p>22 Transfiguration Monastery have canons that they do not need</p> <p>23 to follow?</p> <p>24 MS. BROSIUS: Objection.</p>

<p style="text-align: right;">Page 53</p> <p>1 A. No. It's canons that cannot be observed.</p> <p>2 Q. Okay. So let's -- let's ask a question. You're</p> <p>3 familiar that there is a canon which instructs orthodox</p> <p>4 Christians to not bring a civil lawsuit against a fellow</p> <p>5 Christian, correct?</p> <p>6 MS. BROSIUS: Objection.</p> <p>7 A. Correct.</p> <p>8 Q. You're aware of that?</p> <p>9 A. Yes.</p> <p>10 Q. Is it your testimony here today that because</p> <p>11 Byzantium no longer exists, that canon no longer applies to</p> <p>12 orthodox Christians?</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 A. In the Christian empire, it was done through the</p> <p>15 hierarchy, through the church, and then the empire would</p> <p>16 take action. Since we don't have that, then of course, in</p> <p>17 order to protect oneself, they will have to appeal to the</p> <p>18 civil authorities.</p> <p>19 Q. Okay. So let me ask my question again, because</p> <p>20 it's very simple.</p> <p>21 A. Yes.</p> <p>22 Q. Is it your testimony that because Byzantium no</p> <p>23 longer exists --</p> <p>24 A. Certain canons.</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. Was St. Paul alive during the time of Byzantium or</p> <p>2 before the Byzantine Empire?</p> <p>3 A. He was before --</p> <p>4 MS. BROSIUS: Objection.</p> <p>5 A. -- the Byzantine Empire.</p> <p>6 Q. Okay.</p> <p>7 A. But you see how himself, when he found himself in</p> <p>8 a difficult position, told the authorities, the civil</p> <p>9 authorities, of a pagan empire, right, that "I am a Roman</p> <p>10 citizen."</p> <p>11 Q. But did he tell the people of Corinth that they</p> <p>12 ought not be suing each other?</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 A. In context, we can see things. But everything in</p> <p>15 context. We see how he himself appealed to the civil</p> <p>16 authorities, and he says, "You cannot judge me because" --</p> <p>17 and therefore they had to send him to Rome to be judged.</p> <p>18 They could not locally judge him in Palestine.</p> <p>19 Q. Was he being sued by another Christian at that</p> <p>20 time?</p> <p>21 MS. BROSIUS: Objection.</p> <p>22 A. No. He was by his own people accused, the Hebrews</p> <p>23 of the time.</p> <p>24 Q. And he was brought before Agrippa and Felix, was</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. -- like the one where orthodox Christians should</p> <p>2 not bring a civil suit against another orthodox Christian,</p> <p>3 it's your testimony that canon is no longer observable?</p> <p>4 MS. BROSIUS: Objection.</p> <p>5 A. In -- in certain contexts. In certain contexts.</p> <p>6 Q. Like what?</p> <p>7 A. Well, as I said, when -- there isn't a hierarchy</p> <p>8 that can solve the situation, that can take action, that is</p> <p>9 accepted by the civil authorities also, then of course it</p> <p>10 becomes a clear-cut situation of the civil authorities.</p> <p>11 Since we're in corporation, that in itself is a statement,</p> <p>12 we're in corporation. We have canon -- I mean we have</p> <p>13 bylaws, and we abide by the bylaws.</p> <p>14 Q. You're familiar with the canons that say an</p> <p>15 orthodox Christian should not sue an orthodox Christian,</p> <p>16 correct?</p> <p>17 MS. BROSIUS: Objection.</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Are you familiar with the writings of St.</p> <p>20 Paul?</p> <p>21 A. Yes.</p> <p>22 Q. Did he also say the same thing?</p> <p>23 MS. BROSIUS: Objection.</p> <p>24 A. I don't remember in context any such thing.</p>	<p style="text-align: right;">Page 56</p> <p>1 he not?</p> <p>2 A. Et cetera, et cetera, yes. That's in the Acts.</p> <p>3 Q. Okay. So, really, he was appealing to Caesar to</p> <p>4 postpone his own execution?</p> <p>5 MS. BROSIUS: Objection.</p> <p>6 A. Well, I mean he was -- his accusers would be</p> <p>7 judged, you know, as a free Roman citizen.</p> <p>8 Q. But it wasn't a lawsuit between him and another</p> <p>9 Christian, was it?</p> <p>10 MS. BROSIUS: Objection.</p> <p>11 A. No, it wasn't, but --</p> <p>12 Q. Should we observe his teaching in Corinthians that</p> <p>13 Christians ought not sue each other?</p> <p>14 MS. BROSIUS: Objection.</p> <p>15 A. In context.</p> <p>16 Q. What context?</p> <p>17 MS. BROSIUS: Objection.</p> <p>18 A. The context has to be it can't be just abstract.</p> <p>19 Specific situations.</p> <p>20 Q. Sometimes it might be appropriate for a Christian</p> <p>21 to sue another Christian despite what's written in</p> <p>22 Corinthians?</p> <p>23 A. Absolutely.</p> <p>24 Q. In this document --</p>

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<p>1 A. If you want to quote Scripture, sir, there's a lot 2 of things in Scripture that could be quoted. 3 Q. Oh, actually, I'm not attempting to quote. 4 A. Well, you are quoting from Corinthians. 5 Q. I'm -- I'm giving probably a fair paraphrase, but 6 I'm not attempting to quote. 7 A. All right. All right. Fine. 8 Q. My memory's not that good. 9 A. Okay. 10 Q. Going back to this document, Deposition Exhibit 11 35, would you look at what is numbered paragraph 6? 12 A. Yes. 13 Q. This says, "Plaintiff is a community of 14 religiously devoted members of an Eastern Orthodox Order." 15 A. Yes. 16 Q. Correct? 17 A. Correct. 18 Q. And that is because, as you said before, there's 19 not a distinction between the brotherhood and the 20 corporation, correct? 21 A. Correct. 22 Q. Why does it say "members of an Eastern Orthodox 23 Order" instead of "the Holy Catholic Apostolic Church"? 24 A. I cannot explain that. I didn't see this document</p>	<p>1 Q. Let me show you what's marked or will be marked 2 as -- let's see here -- Exhibit 88. 3 (Exhibit 88, 2/13/61 certificate of 4 incorporation, marked.) 5 MR. INGOLD: Ms. Brosius, are you 6 collecting the deponent's exhibits? Is 7 that what -- 8 MS. BROSIUS: They are here next to 9 him. 10 MR. INGOLD: Okay. I just was 11 wondering if -- if you're going to shepherd 12 that task or if we should hand them to the 13 court reporter. Do you have a preference? 14 MS. BROSIUS: I'm not following you, 15 Chris. 16 MR. INGOLD: Okay. 17 MS. BROSIUS: Do you mean at the end 18 of the deposition? 19 MR. INGOLD: Or if you don't want to 20 be bothered with collecting them, maybe we 21 can just shove them back -- 22 MS. BROSIUS: Oh. 23 MR. INGOLD: -- to the court 24 reporter.</p>
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<p>1 before. I didn't draw it up. But I don't think it's 2 incorrect. 3 Q. You don't think it's incorrect? 4 A. No. 5 Q. Okay. Well, what's the difference between an 6 order of the Eastern Orthodox and the Holy Catholic 7 Apostolic Church? 8 A. I don't see a difference. 9 Q. Okay. Is the order just a subset of the larger 10 church? 11 A. A distinction. 12 Q. Okay. Kind of like a skete? 13 A. No. A skete is a skete, and a communal monastery, 14 a coenobium, is a coenobium. 15 Q. Okay. So -- 16 A. We started out as a -- 17 Q. That's what I -- what I'm trying to understand 18 is -- is what the order is referring to, and what the order 19 here is referring to, then, is the communal monastery? 20 A. Right. 21 Q. Okay. And we've already looked at the founding 22 documents of the corporation, 1916 Haverhill, we had -- we 23 had just looked at that, correct? 24 A. Correct.</p>	<p>1 MS. BROSIUS: There's more room over 2 here. It's fine. 3 MR. INGOLD: Okay. Great. Just 4 wanted to make sure we weren't cramping 5 your style. 6 MS. BROSIUS: Not at all. 7 MR. INGOLD: Okay. 8 BY MR. INGOLD: 9 Q. Have you ever seen this document, Exhibit 88? 10 A. Yes. We have it on file. 11 Q. Okay. What is this document? 12 A. Is it the corporation? When we incorporated, but 13 it's different from the other one, which was -- that was 14 the petition to incorporate, yeah. 15 Q. And what's the difference? Why is there a 16 difference? 17 A. I don't know. Is this when -- when we were 18 granted the situation? I don't know. Legally, I cannot 19 understand these. I just know it's a document. 20 Q. Okay. That's fine. Let me show you what will be 21 marked as Deposition Exhibit 89. 22 (Exhibit 89, 11/27/70 amendment of 23 incorporation, marked.) 24 Q. Have you seen this document before?</p>

Page 61	<p>1 A. Yes. But, you know, my memory is -- this is many</p> <p>2 years ago. Yes.</p> <p>3 Q. What would this document be, if you can recall?</p> <p>4 A. I don't recall. Let me see what it says here.</p> <p>5 Oh. Was this when we amended our bylaws? Who is the</p> <p>6 lawyer? Let me see. Oh, John Davoren. No, that's</p> <p>7 commonwealth. I think -- I don't -- I don't remember.</p> <p>8 Q. Let me see if I can help you and see if I can</p> <p>9 refresh your memory. Would this be a document where, as a</p> <p>10 monastic community, you decided to relocate to 278 Warren</p> <p>11 Street?</p> <p>12 A. I have no memory.</p> <p>13 Q. Where is the monastery currently located</p> <p>14 physically?</p> <p>15 A. Warren Street.</p> <p>16 Q. Okay.</p> <p>17 A. And it was 1970, yes.</p> <p>18 Q. Okay. So this document could reflect that move?</p> <p>19 A. Possibly, yes. Yes.</p> <p>20 Q. And it seems from this document, and you tell me</p> <p>21 what actually happened, but the document at least seems to</p> <p>22 me that the members voted on moving; is that correct?</p> <p>23 A. I don't know the legalities. I don't know.</p> <p>24 Q. Well -- well, that's what I'm asking you: Do you</p>
Page 62	<p>1 recall how the move came to pass?</p> <p>2 A. No. We moved. We were so crowded, we had to</p> <p>3 find new quarters. We found new quarters, and we moved. I</p> <p>4 know the technicalities -- I don't understand the</p> <p>5 technicalities of if we had to have a meeting to move, as a</p> <p>6 corporation. Possibly that is -- you know, I don't</p> <p>7 remember these things now after 40 years almost.</p> <p>8 Q. Sure. And -- and, again, please understand,</p> <p>9 I'm -- I'm not asking you --</p> <p>10 A. Yes.</p> <p>11 Q. -- for the technicality --</p> <p>12 A. Yes.</p> <p>13 Q. -- or the legal opinions, simply what you can</p> <p>14 remember factually in your perceptions.</p> <p>15 A. I remember that we found a place, we had</p> <p>16 negotiated, we paid, and we moved.</p> <p>17 Q. So you moved from Haverhill to Warren?</p> <p>18 A. No, no, no. From Orchard Street in Jamaica Plain.</p> <p>19 Q. Okay. So there was a place in between Haverhill</p> <p>20 and Warren Street?</p> <p>21 A. When we left -- I left Haverhill, I was homeless</p> <p>22 for one year or two until we bought the house in Jamaica</p> <p>23 Plain.</p> <p>24 Q. Okay.</p>
Page 63	<p>1 A. 1962.</p> <p>2 Q. After you founded the Society of the Holy</p> <p>3 Transfiguration Monastery, Incorporated, did you have any</p> <p>4 disciples at that time?</p> <p>5 A. When it was founded?</p> <p>6 Q. Yes.</p> <p>7 A. No.</p> <p>8 Q. When did you start collecting disciples?</p> <p>9 A. There were people that had given a promise that</p> <p>10 they would join. But they didn't join until one year</p> <p>11 later. We incorporated in '61, you see. And in '62 came</p> <p>12 the first, Father Arsenios, Richard Stockton in the world,</p> <p>13 his secular name. He was a professor at the Holy Cross</p> <p>14 Theological Seminary, a Harvard/Yale graduate, Fulbright</p> <p>15 scholar; he was the first to be tonsured as a monk in the</p> <p>16 community.</p> <p>17 Q. And were you at Haverhill at the time or Jamaica</p> <p>18 Plain?</p> <p>19 A. No. Jamaica Plain.</p> <p>20 Q. Okay.</p> <p>21 A. He is the one that put down the down payment. I</p> <p>22 had no money whatsoever to buy the property in Jamaica</p> <p>23 Plain.</p> <p>24 Q. So from about 1962 to 1970, the physical location</p>
Page 64	<p>1 of the brotherhood was at Jamaica Plains?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And how many monks or disciples came to be</p> <p>4 part of the brotherhood between '62 and 1970?</p> <p>5 A. We were so many, we filled the house, which was</p> <p>6 three floors. We had to rent two floors across the street</p> <p>7 from our home. So -- the upper two levels. So we were</p> <p>8 around 15 or more. I can't remember after all these years.</p> <p>9 Q. Now --</p> <p>10 A. But we were quite a few. We were so crowded we</p> <p>11 had to relocate.</p> <p>12 Q. Let me make sure I understand the hierarchy within</p> <p>13 a monastery. So please correct me if I'm wrong here. You</p> <p>14 have novices who are people who come to the monastery to</p> <p>15 see if that's the kind of life --</p> <p>16 A. Right.</p> <p>17 Q. -- they want to lead?</p> <p>18 A. Right.</p> <p>19 Q. You have rassophor monks, who have made a</p> <p>20 commitment to become monks?</p> <p>21 A. Right.</p> <p>22 Q. You have monks who've entered the Small Schema --</p> <p>23 A. No, we don't have the Small Schema.</p> <p>24 Q. Not within the Greek tradition?</p>

<p style="text-align: right;">Page 65</p> <p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 A. It was once upon a time, but over two centuries</p> <p>4 now on the Holy Mountain, they go from rassophor to the</p> <p>5 final vows --</p> <p>6 Q. Okay.</p> <p>7 A. -- Great Schema.</p> <p>8 Q. So from rassophor monks, they enter the Great</p> <p>9 Schema?</p> <p>10 A. Right.</p> <p>11 Q. Okay. And apart from that, you may have monks</p> <p>12 who, along the way or after they've entered the Great</p> <p>13 Schema, they become priests?</p> <p>14 A. Correct, clergyman.</p> <p>15 Q. Okay.</p> <p>16 A. Deacons, priests.</p> <p>17 Q. And in terms of the hierarchy among the clergy,</p> <p>18 they start out usually as a reader?</p> <p>19 A. Yes.</p> <p>20 Q. And then a chanter?</p> <p>21 A. No. Then a subdeacon --</p> <p>22 Q. Subdeacon.</p> <p>23 A. -- deacon and priest.</p> <p>24 Q. Okay. Are there -- is there any distinction at</p>	<p style="text-align: right;">Page 67</p> <p>1 which?</p> <p>2 THE WITNESS: That have</p> <p>3 patriarchates. Not all churches have</p> <p>4 patriarchates.</p> <p>5 Q. Okay. And the churches that do not have</p> <p>6 patriarchates, if they are part of the orthodox church,</p> <p>7 they're autonomous churches; is that correct?</p> <p>8 A. Yes. Yes, yes, yes.</p> <p>9 Q. Or autocephalous?</p> <p>10 A. Autocephalous.</p> <p>11 Q. Okay.</p> <p>12 A. Autocephalous.</p> <p>13 Q. Within the monastery, say between 1962 and 1970,</p> <p>14 was your word the law?</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 Q. As the abbot of the monastery.</p> <p>17 A. It was the final word.</p> <p>18 Q. Okay.</p> <p>19 A. I wouldn't say law, you know.</p> <p>20 Q. Okay. Okay. But it was the final word?</p> <p>21 A. Well, yeah. Someone had to make decisions.</p> <p>22 Q. Okay. Is that the way it is today with Abbot</p> <p>23 Isaac?</p> <p>24 A. We started off as a small brotherhood, a skete.</p>
<p style="text-align: right;">Page 66</p> <p>1 your monastery between readers and chanters?</p> <p>2 A. Yes. Technically, but I mean, yes, yes.</p> <p>3 Q. Okay.</p> <p>4 A. All the chanters are not readers.</p> <p>5 Q. Okay.</p> <p>6 A. Tonsured readers.</p> <p>7 Q. Okay. And after being a deacon, then they could</p> <p>8 enter the priesthood?</p> <p>9 A. Yes. We have canonical age. Can't be a deacon</p> <p>10 'til 25, can't be a priest until 30 years old.</p> <p>11 Q. And is that set forth in the canons?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And after --</p> <p>14 A. But we have deacons that are perpetual deacons for</p> <p>15 life. So --</p> <p>16 Q. And the hierarchy above a priest would be a</p> <p>17 bishop; is that right?</p> <p>18 A. Right.</p> <p>19 Q. And then an archbishop or a metropolitan?</p> <p>20 A. Correct.</p> <p>21 Q. And then hopefully a patriarch?</p> <p>22 A. Yeah, in local churches, which have patriarchates.</p> <p>23 Q. Okay.</p> <p>24 THE STENOGRAPHER: In local churches</p>	<p style="text-align: right;">Page 68</p> <p>1 We're now a coenobitic monastery. So we have a council.</p> <p>2 We're not two people; we're almost 40 people.</p> <p>3 Q. Okay.</p> <p>4 A. With our permanent visitors, we're over 40.</p> <p>5 Q. Okay.</p> <p>6 A. And so novices and monastics, I think we're 37; we</p> <p>7 might be a little more, but not under. So it's not now to</p> <p>8 five, six people, you know, where, you know, who would be</p> <p>9 the council, all of them? Do you know what I mean? So now</p> <p>10 we have the officers, which is a secretary, which is the</p> <p>11 treasurer, which -- you know, and by corporate law we have</p> <p>12 to have once a year a report. But then when we have</p> <p>13 decisions, we get together.</p> <p>14 Q. Okay.</p> <p>15 A. A council.</p> <p>16 Q. Now --</p> <p>17 A. With -- with the abbot, and the abbot has the</p> <p>18 final say. He has the final say.</p> <p>19 Q. At what point in the history of Holy</p> <p>20 Transfiguration Monastery did the monastery transform from</p> <p>21 being a skete to being a coenobitic monastery?</p> <p>22 A. When we made our move because we were so many.</p> <p>23 Q. The move to Warren Street?</p> <p>24 A. Right. 1970.</p>

<p style="text-align: right;">Page 69</p> <p>1 Q. Okay. And at the time you transformed from being 2 a skete to a coenobitic monastery, that's when the change 3 occurred in terms of your word being the final word? 4 A. Well, we were advised by a lawyer that we 5 should -- 6 MS. BROSIUS: Objection. I'm going 7 to caution just not to reveal the content 8 of any communications that you had with an 9 attorney -- 10 THE WITNESS: Oh. 11 MS. BROSIUS: -- at the -- at the 12 time. 13 THE WITNESS: I see. 14 BY MR. INGOLD: 15 Q. Yeah, I -- I don't want to hear anything like 16 that, but the facts would be important like -- 17 A. The facts were that we had to revise our typikon, 18 our order of things, since we are now not just a 19 brotherhood governed by one spiritual father; it's a -- it 20 was a whole community. 21 Q. Okay. Was the positions of leadership at the 22 point that you moved to -- 23 A. Warren Street. 24 Q. -- Warren Street, let's see, if we take a look at</p>	<p style="text-align: right;">Page 71</p> <p>1 Street? 2 A. See, the word "leadership" has many connotations. 3 We said we're still a monastery, and the final say is the 4 abbot. 5 Q. Okay. 6 A. But he has advisors, and he will -- he'll listen 7 to, you know, all the brotherhood. Even the novices have 8 an input, but they don't have decisions. 9 Q. Are there canons that govern the role of the abbot 10 in a monastery? 11 MS. BROSIUS: Objection. 12 A. There must be. 13 Q. Okay. If there was a final word to be said 14 between 1970 and the time that you stepped down as acting 15 abbot in the '80s, where did the final word rest? With you 16 alone or with some group of people? 17 A. With -- it rests with the abbot alone. 18 Q. With you? 19 A. Myself. 20 Q. So yours was the final word from the founding of 21 the monastery until you stepped down as acting abbot -- 22 A. Right. 23 Q. -- in the 1980s? 24 A. Right.</p>
<p style="text-align: right;">Page 70</p> <p>1 Exhibit 89, would that be yourself as the president of the 2 corporation, abbot of the monastery, the treasurer of the 3 corporation, and a monk named -- 4 A. Haralampos, correct. 5 Q. Haralampos? 6 A. Yes, Haralampos, yes. 7 Q. And the clerk of the corporation and also a monk, 8 Ephraim? 9 A. Right. 10 Q. Who is now Bishop Ephraim? 11 A. Right, metropolitan. 12 Q. Okay. And the directors was everyone else in the 13 monastery, correct? 14 A. Oh, no. There were more in the monastery than 15 that. 16 Q. Okay. So the directors were -- can you read those 17 names? 18 A. "Barnabas, deacon; Isaac, monk; Andrew, monk; 19 Gregory, monk." 20 Q. Okay. And Gregory, monk would be who sits here 21 today as Archbishop Gregory? 22 A. Correct. 23 Q. Okay. So was this the leadership of the monastery 24 at the point in time that the move was made to Warren</p>	<p style="text-align: right;">Page 72</p> <p>1 Q. Is that correct? 2 A. Correct. 3 Q. Okay. And to this day, the final word would be 4 with the abbot of the monastery, and now that's Father 5 Isaac? 6 A. Correct. 7 Q. Okay. 8 MS. BROSIUS: Do you need to take a 9 break and eat? 10 MR. INGOLD: You know, we're at five 11 minutes to the end of the videotape. This 12 would be a perfect time, I think -- 13 THE WITNESS: All right. 14 MR. INGOLD: -- to take a five-, ten- 15 minute break. 16 THE VIDEOGRAPHER: This marks the end 17 of the videotape number 1 in the deposition 18 of Father Panteleimon. We're going off the 19 record. The time is 10:28. 20 (Recess.) 21 THE VIDEOGRAPHER: We're back on the 22 record. This marks the beginning of 23 videotape number 2 in the deposition of 24 Father Panteleimon. The time is 10:47.</p>

<p style="text-align: right;">Page 73</p> <p>1 BY MR. INGOLD: 2 Q. Founder Panteleimon, if you would go back to 3 Deposition Exhibit 87 and let me know when you have that in 4 front of you. 5 A. Yes. 6 Q. This is when you first formed the Holy 7 Transfiguration Monastery -- 8 A. Right. 9 Q. -- organization, correct? 10 A. Correct. 11 Q. Okay. This document actually has a section where 12 it says, "The purpose for which the corporation is formed 13 is as follows." Do you see that? 14 A. Yes. 15 Q. Would you read what follows? 16 A. "To maintain, propagate, practice, and forever 17 perpetuate religious worship, services, sacraments, and 18 teachings in full accordance and unity with the doctrines, 19 ritual, common law, faith, practice, discipline, tradition, 20 and usages of the orthodox church, and for the carrying out 21 of the said purpose and intent to maintain a monastic 22 organization which will be adherent and obedient to the 23 orthodox ecclesiastical jurisdiction and authority of the 24 Holy Mountain, Athos. The founding of an orthodox</p>	<p style="text-align: right;">Page 75</p> <p>1 A. Yes. 2 Q. Okay. The document says that you are under the 3 ecclesiastical jurisdiction of Mount Athos, correct? 4 A. Correct. 5 Q. Does that mean that at that point in time, when it 6 was founded, back in 1960, you were under the ecumenical 7 patriarchate of Constantinople? 8 A. Correct. 9 Q. Okay. And so the bishops of the Greek 10 archdioceses in the United States would have had 11 jurisdiction over your monastery? 12 MS. BROSIUS: Objection. 13 A. No. No. 14 Q. Okay. Did the patriarch grant you a dispensation 15 to report directly to him and the bishops under him in 16 Constantinople? 17 A. No. We were directed to the Holy Mountain, and 18 the Holy Mountain is responsible. 19 Q. Okay. Was there a bishop on the Holy Mountain, 20 Athos? 21 A. No. They're retired bishops, but no ruling 22 bishop. 23 Q. Okay. So who was your superior that you would be 24 the authority of --</p>
<p style="text-align: right;">Page 74</p> <p>1 monastery in the United States using the typikon of the 2 Holy Mountain, Athos, to transplant, promote, and 3 perpetuate orthodox monasticism in the United States. To 4 promote and cultivate orthodox piety through missionary 5 work, publications, holy icons, et cetera. To offer 6 spiritual direction to the orthodox faithful." Period. 7 Q. What you just read, was that in fact your intent 8 in forming Holy Transfiguration Monastery? 9 A. In all -- all purposes, yes. 10 Q. That was -- 11 A. Not really. The first and foremost was the 12 monastic life. 13 Q. Okay. 14 A. Everything else is extra. 15 Q. Okay. Is there anything that you just read that 16 was not true, that you didn't intend that to be true when 17 it was written and put in the document? 18 A. No. We intended -- we intended all the -- the 19 articles to be true. 20 Q. Okay. So primarily the focus was monasticism in 21 the United States of America? 22 A. Right. 23 Q. But the other aspects written on this document as 24 the purpose for the forming of the monastery are also true?</p>	<p style="text-align: right;">Page 76</p> <p>1 A. The -- 2 Q. -- on Mount Athos -- 3 A. The abbot of St. Paul's Monastery. 4 Q. The abbot of St. Paul's? 5 A. Since New Skete belongs to St. Paul's. 6 Q. Okay. 7 A. So our names were written, even the ones in the 8 United States, in the list of monks of St. Paul's 9 Monastery. 10 Q. Okay. And that remained the case until the 11 mid '60s when you came under the jurisdiction of the 12 Russian Orthodox -- 13 A. Right. 14 Q. -- Church Outside of Russia? 15 MS. BROSIUS: Objection. 16 A. Correct. 17 Q. Okay. Did you understand my question just now? 18 A. Yes. 19 Q. What did I -- what did you take that to mean? 20 A. That we were under the jurisdiction of the 21 ecumenical through the monastery of St. Paul until 19 -- 22 until we came under the Russian Church Abroad. 23 Q. Okay. And what do you mean by coming under the 24 Russian Church Abroad?</p>

<p style="text-align: right;">Page 77</p> <p>1 A. We made a petition and were accepted.</p> <p>2 Q. Okay. And what does it mean to be under the</p> <p>3 Russia Church Abroad?</p> <p>4 A. That our ruling bishops from then on was not</p> <p>5 Constantinople; it was the Russian Church Abroad.</p> <p>6 Q. Okay. And when you say your ruling bishops was --</p> <p>7 was not Constantinople, is that because even the patriarchs</p> <p>8 in the orthodox church are bishops?</p> <p>9 A. Of course, everyone's bishops.</p> <p>10 Q. Okay.</p> <p>11 A. Patriarchs are bishops.</p> <p>12 Q. Okay. Well, I mean it's -- it's a little</p> <p>13 different than the Catholic system, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Where you have cardinals and --</p> <p>16 A. Yes.</p> <p>17 Q. -- et cetera, et cetera?</p> <p>18 A. Yes, yes, yes.</p> <p>19 Q. Okay. So the patriarchs are all bishops, first</p> <p>20 among equals?</p> <p>21 A. First among equals.</p> <p>22 Q. Okay. So you came under the bishops of the</p> <p>23 Russian Orthodox Church abroad; is that correct?</p> <p>24 A. Correct.</p>	<p style="text-align: right;">Page 79</p> <p>1 diaspora that fled to Harbin and to China. Others fled to</p> <p>2 Europe.</p> <p>3 Q. And he saw himself --</p> <p>4 A. In 1917. His father was a priest.</p> <p>5 Q. Philaret saw himself as the continuation of the</p> <p>6 Holy Russian Church Outside of Russia, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. And so in terms of apostolic succession,</p> <p>9 that's important, is it not?</p> <p>10 A. Yes.</p> <p>11 Q. Now, let me know make sure we understand each</p> <p>12 other about apostolic succession. Is the importance of</p> <p>13 apostolic succession in the orthodox church that any</p> <p>14 canonical clergyman should be able to tress -- trace his</p> <p>15 ecclesiastical lineage all the way back to the original</p> <p>16 disciples in the first century?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. So Philaret was seen as the continuation of</p> <p>19 the Holy Russian Church tradition of apostolic succession,</p> <p>20 but now outside of Russia?</p> <p>21 A. After 1917, he was the third.</p> <p>22 Q. Okay.</p> <p>23 A. Not from 1917.</p> <p>24 Q. Okay. And who gave the instruction for the</p>
<p style="text-align: right;">Page 78</p> <p>1 Q. Now, I've heard the Russian Church Abroad, the</p> <p>2 Russian Orthodox Church of America, and the Russian</p> <p>3 Orthodox Church Outside of Russia. Those are all one and</p> <p>4 the same, correct?</p> <p>5 A. No, they were not one and the same.</p> <p>6 Q. Okay.</p> <p>7 A. Not the hierarchy-wise.</p> <p>8 Q. Okay.</p> <p>9 A. But they were all of Russian decent.</p> <p>10 Q. Tikhon was the patriarch in Russia prior to the</p> <p>11 communist revolution, correct?</p> <p>12 A. During.</p> <p>13 Q. And during the communist revolution.</p> <p>14 And after Tikhon came Philaret?</p> <p>15 A. No. After Tikhon, they abolished the patriarchal</p> <p>16 throne, the communists, and until the end of the Second</p> <p>17 World War, from the mid '20s, when Patriarch Tikhon was</p> <p>18 murdered, poisoned --</p> <p>19 Q. Okay.</p> <p>20 A. -- until 1945, the end of the Second World War,</p> <p>21 there was no patriarch.</p> <p>22 Q. So Metropolitan Philaret, how does he fit in the</p> <p>23 picture?</p> <p>24 A. He was from the Far East. He was from the Russian</p>	<p style="text-align: right;">Page 80</p> <p>1 autonomous Russian church to continue outside of Russia?</p> <p>2 MS. BROSIUS: Objection.</p> <p>3 A. It was Patriarch Tikhon --</p> <p>4 Q. Okay.</p> <p>5 A. -- in an edict that he put out that if, because of</p> <p>6 the civil war, there were dioceses that were separated and</p> <p>7 could not communicate with the patriarchate, they were to</p> <p>8 govern themselves independently until they could again come</p> <p>9 into communications. He foresaw the persecution of the</p> <p>10 communists, that they were out to destroy the church and</p> <p>11 annihilate the church.</p> <p>12 Q. And that type of action in forming an</p> <p>13 autocephalous church is canonical, correct?</p> <p>14 A. Yes. Yes.</p> <p>15 (Discussion off the record.)</p> <p>16 Q. That type of action in forming an autonomous</p> <p>17 church is --</p> <p>18 A. Yes.</p> <p>19 Q. -- canonical --</p> <p>20 A. It's canonical.</p> <p>21 Q. -- is it not?</p> <p>22 A. Under the circumstances, yes.</p> <p>23 Q. Okay. It's in accord with The Rudder?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 81</p> <p>1 Q. Okay. So was Philaret the direct successor, then, 2 of Tikhon? 3 MS. BROSIUS: Objection. 4 A. Not direct. We said there was Anthony, Anastassy, 5 and then Philaret. 6 Q. Okay. And after Philaret -- 7 A. But not as patriarchs. 8 Q. Right. As metropolitans? 9 A. Metropolitans. 10 Q. Okay. And a metropolitan is a bishop who has 11 leadership -- 12 A. Bishops. 13 Q. -- among three or more bishops, correct? 14 A. Correct. A synod. 15 Q. Okay. 16 A. President of the synod, first hierarchy. 17 Q. Okay. So Philaret, his successor was Vitaly? 18 A. Vitaly, right. 19 Q. Okay. And Vitaly's successor was Laurus? 20 A. Laurus. 21 Q. And Laurus's successor now is Hilarion? 22 A. Hilarion. 23 Q. Okay. So that's the lineage of the Holy Russia 24 Church Outside of Russia --</p>	<p style="text-align: right;">Page 83</p> <p>1 return to orthodox teachings, which they had departed in 2 1965, and they signed, all the abbots, and then simple 3 priest monks and simple monks, which was signed by all the 4 members of our brotherhood there at the New Skete. And so 5 being part of New Skete and St. Paul's, we also stopped 6 commemorating the ecumenical patriarch. 7 And for one year we were in limbo as to who to 8 come -- and then we were advised by the fathers of the Holy 9 Mountain -- we have a letter on file in Greek -- to search 10 out a jurisdiction in the new world since things were not 11 going to go well; they were going to become worse in the 12 orthodox world across. And they advised us that from what 13 they could surmise on the Holy Mountain, reading 14 publications, religious publications, that the Russian 15 Orthodox Church Abroad was most orthodox. At that time, 16 Metropolitan Philaret was not the first. It was 17 Metropolitan Anastassy, who reposed just right after. And 18 Philaret became. 19 So on the basis of their recommendation, and I had 20 been acquainted also with the bishops, although we were not 21 under them in the United States, there was one archbishop 22 Seraphim in Chicago, and he was tonsured at St. 23 Panteleimon's monastery, where I was tonsured also. 24 (Discussion off the record.)</p>
<p style="text-align: right;">Page 82</p> <p>1 A. Outside. 2 Q. -- that you came under in the mid '60s? 3 A. Correct. 4 Q. Okay. Why? 5 A. Why what? 6 Q. Why join with the Russian Church Outside of Russia 7 instead of staying under the ecumenical patriarchy -- 8 A. In 19 -- 9 Q. -- of Constantinople? 10 (Discussion off the record.) 11 Q. Okay. Yeah. Let me -- I -- I ask the question so 12 that people could understand -- 13 A. Yes. 14 Q. -- even though you and I may know what we're 15 talking about. 16 A. Yes. 17 Q. What was the reason for coming under the Russian 18 Orthodox Church Outside of Russia and leaving the 19 ecumenical patriarchate of Constantinople in the mid '60s? 20 A. The Holy Mountain itself ceased to commemorate the 21 patriarch of Constantinople in 1965. 22 Q. Okay. 23 A. Including the Monastery of St. Paul to which we 24 belonged. And they made an appeal to the patriarchate to</p>	<p style="text-align: right;">Page 84</p> <p>1 A. And he was tonsured at the same monastery, he came 2 from Yugoslavia at the time. He was a Russian emigré after 3 the 1917 revolution, was tonsured in the '30s on the Holy 4 Mountain. I was tonsured in the '50s. And so there was a 5 bond. But there was just a bond, not ecclesiastically like 6 jurisdiction. It was just on a personal level. So -- 7 Q. Archbishop Seraphim, who was his successor, was 8 that Alypy? 9 A. Yes. 10 Q. Okay. 11 A. Right. 12 Q. And that's Archbishop Seraphim and Alypy who, one 13 or the other of them ordained Archbishop Gregory a priest? 14 A. Right. Correct. 15 Q. Okay. And they both gave him a blessing to form 16 the Dormition Skete -- 17 A. Correct. 18 Q. -- in Colorado. 19 A. Correct. 20 Q. Okay. And you recognize that? 21 MS. BROSIUS: Objection. 22 A. Well, that was -- a blessing was given by them. 23 We could not overrule bishops. But we had our -- our 24 objections.</p>

<p style="text-align: right;">Page 85</p> <p>1 Q. Sure.</p> <p>2 A. And --</p> <p>3 Q. But that brings up a good point, which is: Even</p> <p>4 though your word is the final word in Holy Transfiguration</p> <p>5 Monastery, every monastery, even on Mount Athos, is under a</p> <p>6 bishop, if only directly under a patriarch, correct?</p> <p>7 A. Correct.</p> <p>8 Q. And that's because --</p> <p>9 A. That's because we recognize the orthodox</p> <p>10 hierarchy.</p> <p>11 Q. They --</p> <p>12 A. They're not independent of orthodox hierarchy.</p> <p>13 Q. Bishops are rulers of the church?</p> <p>14 MS. BROSIUS: Objection.</p> <p>15 A. I wouldn't say rulers. Pastors.</p> <p>16 Q. They are the shepherds of the church?</p> <p>17 A. Shepherds. Pastors, shepherds.</p> <p>18 Q. Okay. And so the authority of the bishop under</p> <p>19 The Rudder must be respected even by monasteries?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And every monastery must be under the</p> <p>22 authority of a bishop?</p> <p>23 MS. BROSIUS: Objection.</p> <p>24 Q. Is that correct?</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. Okay. What are you looking at, Exhibit 82?</p> <p>2 A. I first saw it yesterday.</p> <p>3 Q. Okay.</p> <p>4 A. I don't know when the translation was made. This</p> <p>5 was run up in '59. This is before we came under the synod</p> <p>6 abroad, and my attention was brought to certain -- I -- I</p> <p>7 by myself, I came to see, and it has very nice situation in</p> <p>8 order, you know.</p> <p>9 Q. Okay. This document is entitled "Statute</p> <p>10 Concerning Monasteries of the Russian Orthodox Church</p> <p>11 Abroad," correct?</p> <p>12 A. Yes, yes.</p> <p>13 Q. Okay. And that is the autonomous --</p> <p>14 A. Russian Church Abroad.</p> <p>15 Q. -- Russian -- Holy Russian Church Abroad that you</p> <p>16 came under the jurisdiction of --</p> <p>17 A. Right.</p> <p>18 Q. -- in the mid '60s?</p> <p>19 A. Right. Right.</p> <p>20 Q. Okay.</p> <p>21 A. Although we never saw this at the time.</p> <p>22 Q. Okay. Is there anything that you've seen in this</p> <p>23 statute, Exhibit 82, that is against The Rudder or the</p> <p>24 canons of The Rudder?</p>
<p style="text-align: right;">Page 86</p> <p>1 A. Correct. Correct.</p> <p>2 Q. Why is that the case?</p> <p>3 A. Because we belong to the church, and the church</p> <p>4 has structure. It has hierarchy from bishop down to deacon</p> <p>5 to laity.</p> <p>6 Q. When you joined with the Russian Orthodox Church</p> <p>7 Outside of Russia -- is -- is that how I should say it?</p> <p>8 A. Yes.</p> <p>9 Q. Did you commit yourself and the members of the</p> <p>10 monastery to obedience to the bishops of the Russian</p> <p>11 Orthodox Church Outside of Russia so long as they were</p> <p>12 canonical?</p> <p>13 A. Yes, of course.</p> <p>14 MS. BROSIUS: Objection.</p> <p>15 A. Yes, correct.</p> <p>16 Q. Okay. I'm going to have you take a look at what's</p> <p>17 previously been marked as Deposition Exhibit 82.</p> <p>18 (Discussion off the record.)</p> <p>19 (Exhibit 82, Statute Concerning</p> <p>20 Monasteries of the Russian Orthodox Church</p> <p>21 Abroad, marked.)</p> <p>22 Q. Take your time. Let me know when you're -- when</p> <p>23 you're familiar with what you're looking at.</p> <p>24 A. Yes, yes.</p>	<p style="text-align: right;">Page 88</p> <p>1 A. I -- I did not read the whole thing and study it.</p> <p>2 Q. Okay.</p> <p>3 A. I glanced at it.</p> <p>4 Q. Had you ever heard of this document before</p> <p>5 yesterday?</p> <p>6 A. Yes. There were -- everything was in Russian in</p> <p>7 the Russian Church Abroad, that they had, you know,</p> <p>8 regulations, et cetera, et cetera. To be received, we --</p> <p>9 we did a petition, and we -- submitted a petition in</p> <p>10 writing, but then I had to travel to New York to meet with</p> <p>11 the whole bishops, even those from abroad, they had a big</p> <p>12 sobor. And I had my own interpreter, a Serbian priest who</p> <p>13 knew Russian very well and lived in the monastery with us.</p> <p>14 And they were amazed that his Russian was so good. And</p> <p>15 they asked me questions before they received us.</p> <p>16 Q. Okay. And so what governed your relationship in</p> <p>17 your mind between the brotherhood of Holy Transfiguration</p> <p>18 Monastery and the Russian Orthodox Church Abroad was The</p> <p>19 Rudder and the canons of The Rudder, correct?</p> <p>20 A. It was spiritual, the spiritual authority.</p> <p>21 Q. The spiritual authority of the canons?</p> <p>22 A. The canons of the church, yes.</p> <p>23 Q. Okay. So that makes The Rudder the only written</p> <p>24 law that you were aware of governing --</p>

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<p>1 A. Yes.</p> <p>2 Q. -- your conduct --</p> <p>3 A. Yes.</p> <p>4 Q. -- as a brotherhood?</p> <p>5 A. Right.</p> <p>6 Q. Okay. Let me show you what we'll mark as Exhibit</p> <p>7 90.</p> <p>8 (Exhibit 90, excerpt of ROCOR website</p> <p>9 entitled "Decree of the Holy Sobor</p> <p>10 (Council) of the Russian Orthodox Church on</p> <p>11 Church Property and Finances," marked.)</p> <p>12 Q. And I'll represent to you that's something -- this</p> <p>13 is something I've just become aware of. And have you ever</p> <p>14 seen this before?</p> <p>15 A. I don't remember having seen it, no.</p> <p>16 Q. Well, let's read through it and see if you ever</p> <p>17 heard any of these when you were part of the Russian</p> <p>18 Orthodox Church. This purports to be a decree of the Holy</p> <p>19 Sobor. What would that be, a synod?</p> <p>20 A. Yes, synod.</p> <p>21 Q. Okay.</p> <p>22 A. Council.</p> <p>23 Q. It would -- so it would be all the bishops of the</p> <p>24 Russian Orthodox Church Abroad, that's the sobor, correct?</p>	<p>1 Q. This phrase --</p> <p>2 A. Our organization was spiritual, not</p> <p>3 organizational, in the part of -- I mean that we were</p> <p>4 incorporated in their incorporation.</p> <p>5 Q. This phrase in Exhibit 90, "Property belonging to</p> <p>6 institution of the Russian Orthodox Church constitutes its</p> <p>7 common property."</p> <p>8 A. Yeah.</p> <p>9 Q. Had you heard anything like that when you were</p> <p>10 part of the Russian --</p> <p>11 A. No.</p> <p>12 Q. -- Orthodox Church?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. No.</p> <p>16 Q. Moving on to point number 2 of Exhibit 90, it</p> <p>17 says -- can you read that?</p> <p>18 A. Yes. "Individual ecclesiastical institutions</p> <p>19 holding properties" --</p> <p>20 Q. Number 2.</p> <p>21 MS. BROSIUS: "Individual" --</p> <p>22 A. Oh. "The supreme authority in the administration</p> <p>23 of ecclesiastical property belongs to the All-Russian Holy</p> <p>24 Church Sobor."</p>
Page 90	Page 92
<p>1 A. Yes, yes.</p> <p>2 Q. Okay. And it purports to be something enacted</p> <p>3 back in 1918. "Basic Propositions. 1. Property belonging</p> <p>4 to institutions of the Russian Orthodox Church constitutes</p> <p>5 its common property." Did you ever know that when you were</p> <p>6 part of the Russian Orthodox Church Abroad?</p> <p>7 A. No. To come back to Exhibit 82, article 15.</p> <p>8 Q. So you actually had some familiarity with that</p> <p>9 statute --</p> <p>10 A. No, I didn't.</p> <p>11 Q. -- Exhibit 82?</p> <p>12 A. No. No. But I was impressed that it was part of</p> <p>13 the statute.</p> <p>14 Q. This is just something that you read yesterday?</p> <p>15 A. Right.</p> <p>16 Q. Let's focus on what you knew back in the '60s.</p> <p>17 A. I knew that the properties belonged to the</p> <p>18 communities.</p> <p>19 Q. Okay.</p> <p>20 A. Not to the synod or bishops.</p> <p>21 Q. Well, that's --</p> <p>22 A. They never -- they never told us that we would --</p> <p>23 to sign over any properties or any assets to the synod of</p> <p>24 bishops.</p>	<p>1 Q. Okay. Let's kind of break that apart to make sure</p> <p>2 I understand what that says. Ecclesiastical property, is</p> <p>3 that church property?</p> <p>4 A. That's church property.</p> <p>5 Q. Okay. And the final word on what to do with that</p> <p>6 property belonged with who? The bishops?</p> <p>7 A. According to this, the bishops. The sobor.</p> <p>8 Q. Is that also canonical?</p> <p>9 MS. BROSIUS: Objection.</p> <p>10 A. I have not gone into it to study it.</p> <p>11 Q. Okay.</p> <p>12 A. This was done in the sobor of the Russian church</p> <p>13 in '18 --</p> <p>14 Q. But --</p> <p>15 A. -- right after the revolution.</p> <p>16 Q. But the canons are before that, are they not?</p> <p>17 A. Yes, yes. But then --</p> <p>18 Q. So Exhibit 90 could either fit with the canons of</p> <p>19 the church or --</p> <p>20 A. Yes.</p> <p>21 Q. -- be against them?</p> <p>22 A. Well, not necessarily be against them. It can be</p> <p>23 a special instance. But that's why I want to bring your</p> <p>24 attention to 15 of -- of --</p>

<p style="text-align: right;">Page 93</p> <p>1 Q. I -- I understand what 15 says about synodic 2 monasteries. 3 A. No, not about monasteries. About everything. 4 "The possession of a monastery, common or community, are 5 its property and registered in its name, which is why every 6 monastery, community, must take steps to become 7 incorporated as an entity. The possession of synod, 8 dioceses or monasteries are correspond the property of the 9 synod, dioceses, or monastery, just as the possession of 10 the stavropegial monastic brotherhoods are the properties 11 of the corresponding hierarchical residences." 12 Q. When -- 13 A. It's clear there that everyone owns its own 14 property. 15 Q. When Holy Transfiguration Monastery and its 16 members stopped commemorating the bishops of the Russian 17 Orthodox Church Outside of Russia, what was given back to 18 the Russian Orthodox Church Outside of Russia? 19 A. The antimension. 20 Q. And what is that? 21 A. The antimension is a piece of cloth which is open 22 during the liturgy to perform the holy liturgy. And it's 23 signed by the ruling bishop. 24 Q. And what does it represent --</p>	<p style="text-align: right;">Page 95</p> <p>1 Q. And do you know -- 2 A. We had chrism from before. We had -- you know, so 3 it was not -- they didn't even ask for it. They asked for 4 the antimension, which we delivered to them. 5 Q. Do you know, pursuant to the canons, what, if 6 anything, should have been returned? 7 MS. BROSIUS: Objection. 8 A. No. Nothing. 9 Q. Do you know what the canons say on that point? 10 A. As I say, I am not -- The Rudder, as you can see, 11 is very detailed. I have not gone into that. But I -- 12 because I understand it, in the course, when individual 13 parishes left, it was granted that they had an 14 incorporation by the state they were, that the property 15 belonged to the parish and not the bishops. In every 16 instance, the courts granted them the right to secede and 17 take the property with them. 18 Q. Going back to Exhibit 90, could you finish just 19 looking at that document. It would be faster if you just 20 read it and let me know when you're done so I can ask you 21 some questions. 22 A. (Pause.) Yes. 23 Q. Is there anything in Exhibit 90 that you in your 24 personal perception and belief that you believe or are of</p>
<p style="text-align: right;">Page 94</p> <p>1 A. Every parish has to have one -- every altar has to 2 have an antimension. 3 Q. What does it represent? 4 A. It represents that the liturgy is performed in the 5 name and the authority of the bishop who has consecrated 6 and who has signed the antimension. 7 Q. Which means? 8 A. Who recognize him as the bishop. 9 Q. The final -- 10 A. And so that belongs to him. It has his signature 11 on it. 12 Q. The final ecclesiastical authority over the altar 13 and anyone attending the altar? 14 A. Right. 15 Q. Is -- 16 A. The bishop that's -- whose name is -- 17 Q. So when you stop commemorating the bishop, that 18 which belongs to the bishop -- 19 A. Is returned. 20 Q. -- must be returned. 21 A. That was returned. 22 Q. Okay. 23 A. There were no other items that were returned or 24 they asked us to return.</p>	<p style="text-align: right;">Page 96</p> <p>1 the opinion violates the canons of The Rudder? 2 MS. BROSIUS: Objection. 3 A. We interpret. Everyone interprets the canons, and 4 there is room for interpretation. 5 Q. But that's not my question. Do you see anything 6 in Exhibit 90 that you believe violates the canons of The 7 Rudder? 8 MS. BROSIUS: Objection. 9 A. I'm not conscious. 10 Q. You're not conscious of anything -- 11 A. No. 12 Q. -- here that violates the canons of The Rudder, 13 but you're not forming an opinion -- 14 A. No. 15 Q. -- as to whether they do or not; is that correct? 16 A. No. Correct. 17 Q. Okay. Let me show you what's been marked as 18 Exhibit 91. 19 (Exhibit 91, excerpt of ROCOR website 20 entitled "Statutes and Regulations," 21 marked.) 22 MS. BROSIUS: Thank you. 23 Q. If you'd just take a moment to look at that 24 document to see if you recognize it. Could you do that?</p>

<p style="text-align: right;">Page 97</p> <p>1 A. Yes. I've -- I've never seen it before.</p> <p>2 Q. So none of the things that are written here as you</p> <p>3 glance at it seem familiar to you regarding --</p> <p>4 A. No.</p> <p>5 Q. -- the law governing the Russian Orthodox Church?</p> <p>6 A. When we came into the Russian Church Abroad, there</p> <p>7 were no non-Russians, and so everything was in Russian.</p> <p>8 And since then, very recently, I would say, even after we</p> <p>9 left, that things have been translated into English, seeing</p> <p>10 now that even the Russian descent people don't know it,</p> <p>11 their language, and it has to be in the common language of</p> <p>12 the -- of the country, which is English. So we hadn't seen</p> <p>13 these things. We knew they existed, of course. They had</p> <p>14 to exist. But all these detailed situations, no.</p> <p>15 We had an assessment we had to pay every month.</p> <p>16 We paid it, gladly, for the upkeep of the synod building in</p> <p>17 New York. The parishes had also to pay, and ours, because</p> <p>18 we were a community, large, we had -- it was more than the</p> <p>19 parishes, but we didn't object.</p> <p>20 Q. Let's take a look back at Exhibit 87. Can you?</p> <p>21 A. Yes, yes.</p> <p>22 Q. Those purposes that are set forth in Exhibit 87,</p> <p>23 how did you live those out as a monastic community?</p> <p>24 MS. BROSIUS: Objection.</p>	<p style="text-align: right;">Page 99</p> <p>1 we're in this country, and the -- the members are natives,</p> <p>2 our common language is English. Well, we didn't have the</p> <p>3 services in English. At the time that we started</p> <p>4 translating, I don't think even 10 percent of the</p> <p>5 liturgical texts that we have were translated into English.</p> <p>6 We had no official translation of the Scriptures, and</p> <p>7 especially of The Psalter.</p> <p>8 Q. And by official, you mean a translation --</p> <p>9 A. An orthodox. From an orthodox source.</p> <p>10 Q. You mean a translation of the Textus Receptus?</p> <p>11 A. Yes.</p> <p>12 Q. The Septuagint?</p> <p>13 A. The Septuagint, right.</p> <p>14 Q. Okay.</p> <p>15 (Discussion off the record.)</p> <p>16 A. Textus Receptus, yeah, Septuagint.</p> <p>17 You see, even in the other Christian world, right,</p> <p>18 the rest, they don't have the same text. The King James</p> <p>19 has its text; the Confraternity Douay of the Roman</p> <p>20 concepts; their text, the Vulgate, is another text done by</p> <p>21 Jerome, St. Jerome. So you see, there were many</p> <p>22 differences even among the nonorthodox as far as texts.</p> <p>23 I received texts, which is of the Septuagint,</p> <p>24 right. So The Psalter and the Old Testament is of the</p>
<p style="text-align: right;">Page 98</p> <p>1 A. We tried to observe the monastic life as we</p> <p>2 received it from the Holy Mountain as they received it from</p> <p>3 their forefathers.</p> <p>4 Q. Which is the typikon?</p> <p>5 A. Which is the typikon.</p> <p>6 Q. And the typikon is not canons of The Rudder; it's</p> <p>7 simply --</p> <p>8 A. No, no. It's order of services and prayer life or</p> <p>9 rule, how many prostrations we make, how many prayer ropes</p> <p>10 we say, and et cetera. And then we started to be self-</p> <p>11 supporting, to make incense and to mount icon prints. And</p> <p>12 so that was also in aiding the piety among the people to</p> <p>13 have icons, to have incense for the churches, for the home.</p> <p>14 And all the things that are listed here we tried to</p> <p>15 implement.</p> <p>16 Q. Okay. At what point did providing services or</p> <p>17 Scripture to the people of the church, at what point did</p> <p>18 that become an important activity for the monastery?</p> <p>19 A. When we grew and grew, it was evident that most of</p> <p>20 the community was not speaking a language of an orthodox</p> <p>21 homeland.</p> <p>22 Q. Okay.</p> <p>23 A. Which means Greek and Russian primarily. But</p> <p>24 Syrian or Syriac or other languages. So since we're born,</p>	<p style="text-align: right;">Page 100</p> <p>1 Septuagint. There were translations, but not from an</p> <p>2 orthodox source, and therefore very erroneous in many</p> <p>3 parts.</p> <p>4 Q. You're speaking in part of the Brenton translation</p> <p>5 of 1851?</p> <p>6 A. Yes, and there was the other one, Baxter's,</p> <p>7 another one, of the Septuagint. There was another one too.</p> <p>8 Q. Coverdale's Prayer Book Psalter of 1662?</p> <p>9 A. No. That's -- that wasn't of the Septuagint.</p> <p>10 Q. Thompson's 1808 translation?</p> <p>11 A. I don't know if that was the Septuagint. I don't</p> <p>12 know if that's King James. I mean the -- the Masoretic</p> <p>13 text of the Hebrews or what, which -- which text they used.</p> <p>14 You see, King James, some of the books of the Old Testament</p> <p>15 are missing. They think they're apocryphal. They're --</p> <p>16 they weren't true. And the Roman Catholic church has them</p> <p>17 as Deuterocanonical. And of course the Septuagint has</p> <p>18 them.</p> <p>19 Q. Let's talk about some of the other services of the</p> <p>20 church.</p> <p>21 A. Yes.</p> <p>22 Q. The -- the Hapgood, what is that?</p> <p>23 A. That's a translation by the Antiochian Diocese.</p> <p>24 Q. Of church services?</p>

<p style="text-align: right;">Page 101</p> <p>1 A. Of church services.</p> <p>2 Q. And when did that take place?</p> <p>3 A. Oh -- oh, is Hapgood -- no, no. Was that done in</p> <p>4 the -- under Patriarch Tikhon was here? Hapgood, yes.</p> <p>5 That was not the Antiochians. That was done in the early</p> <p>6 part of the 1900s, when Patriarch Tikhon was bishop in this</p> <p>7 country, and later patriarch in Russia. Hapgood, she was</p> <p>8 an English woman, and she translated certain things, very</p> <p>9 little, but the main part of the liturgies, the constant</p> <p>10 parts of the liturgies, and other things, the mysteries of</p> <p>11 the -- baptism, burial service, things like that. It's a</p> <p>12 nice volume. But it isn't voluminous. It's just a nice</p> <p>13 volume, you know, a few hundred pages, the Hapgood, which</p> <p>14 has been reprinted so many times. And I must say, it's</p> <p>15 done well, the translation.</p> <p>16 Q. Have you --</p> <p>17 A. In English. Liturgical English.</p> <p>18 Q. Have you ever seen the Manual of Prayers that was</p> <p>19 done in 1891 by G.V. Shann?</p> <p>20 A. No. We know a few publications by the Faith Press</p> <p>21 in England, the akathist to the Holy Mother of God, and a</p> <p>22 few other small little things, pocket size. And that was</p> <p>23 good English also.</p> <p>24 Q. Who was Father Lewis in Florida; do you know?</p>	<p style="text-align: right;">Page 103</p> <p>1 that we translated; we're the translators.</p> <p>2 Q. Are you familiar with the works that have been</p> <p>3 translated by Holy Transfiguration Monastery or otherwise</p> <p>4 compiled by the monastery?</p> <p>5 A. Of course.</p> <p>6 Q. Okay. I'm going to hand you some documents and</p> <p>7 see if you can recognize them. We'll do it one by one.</p> <p>8 And then I'm going to ask when we're finished that you</p> <p>9 would slip it inside an envelope like this. Will that work</p> <p>10 for you, or maybe your attorney can help you with it?</p> <p>11 A. If it goes into it.</p> <p>12 Q. Okay. We'll give it a shot. Let me hand you what</p> <p>13 was previously marked as Deposition Exhibit 7.</p> <p>14 (Exhibit 7, The Great Horologion,</p> <p>15 marked.)</p> <p>16 Q. What do you recognize Exhibit 7 as?</p> <p>17 A. The Great Horologion.</p> <p>18 Q. Do you recognize that as a document in which Holy</p> <p>19 Transfiguration Monastery claims copyright?</p> <p>20 A. Absolutely.</p> <p>21 Q. Okay. Do you know how that document came to be?</p> <p>22 A. Throughout the years, we translated, we</p> <p>23 translated, translated. We modelled it on the Greek</p> <p>24 edition of The Great Horologion but added voluminously.</p>
<p style="text-align: right;">Page 102</p> <p>1 A. Father -- he's reposed. Father John Lewis, yes.</p> <p>2 He was a priest in the synod abroad, then he left, and he</p> <p>3 died under the Greek archdiocese.</p> <p>4 Q. Did he do any translations?</p> <p>5 A. Not really. He attempted, but he did not know</p> <p>6 Greek and he did not know Slavonic. So --</p> <p>7 Q. I thought -- I thought he translated The Psalter</p> <p>8 out of the Septuagint, which would be Greek, right?</p> <p>9 A. No. He did not have those tools, not Father John</p> <p>10 Lewis.</p> <p>11 Q. Are you saying it would be incorrect that Holy</p> <p>12 Transfiguration Monastery threatened to sue Father Lewis if</p> <p>13 even two of his verses were identical to The Psalter?</p> <p>14 A. I have no recollection of such a thing.</p> <p>15 Q. Okay. Who would have been responsible for</p> <p>16 policing the copyrights that Holy Transfiguration</p> <p>17 Monastery --</p> <p>18 A. Back then, I have no idea.</p> <p>19 Q. How about now?</p> <p>20 A. Now, it's Father Pachomius. We -- we have</p> <p>21 designated him to be sure that he's -- and anyone writes to</p> <p>22 ask to use our translation, he's the one that takes care of</p> <p>23 that correspondence. And we grant without royalties, as</p> <p>24 long as they give acknowledgment that it's our copyright,</p>	<p style="text-align: right;">Page 104</p> <p>1 Because this was going to be in the English language first</p> <p>2 time, and it was easy to find certain things in the Greek</p> <p>3 language, the Slavonic, but not in the English, so</p> <p>4 therefore we added many things that are not in the original</p> <p>5 Great Horologion published in Greek.</p> <p>6 Q. Now, this copy carries a copyright mark of 1997.</p> <p>7 A. Uh-huh.</p> <p>8 Q. Do you know if Holy Transfiguration Monastery</p> <p>9 claimed an earlier copyright?</p> <p>10 A. No. I'm not con -- certain parts of it, yes.</p> <p>11 Yes. Like the akathists, this, that, yes. That was years</p> <p>12 before. But what parts we claim copyright from before, I</p> <p>13 don't know.</p> <p>14 Q. Okay. Now, on the copyright registration that was</p> <p>15 attached to the complaint which is Exhibit 35, it says</p> <p>16 nature of authorship is English translation compilation,</p> <p>17 new text added to translation of Greek origin. Let me walk</p> <p>18 through that with you. English translation, would that be</p> <p>19 taking ancient writings of the Horologion that are in the</p> <p>20 original Greek and translating them to the English</p> <p>21 language?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Compilation, would that be taking previous</p> <p>24 translations and making them a part of the finished work?</p>

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<p>1 MS. BROSIUS: Objection.</p> <p>2 A. I think that is also our translation, but I can't</p> <p>3 be 100 percent sure.</p> <p>4 Q. Well, the works that --</p> <p>5 A. Yeah.</p> <p>6 Q. -- Holy Transfiguration Monastery has put out, not</p> <p>7 all of them are 100 percent translations of the original</p> <p>8 languages, are they?</p> <p>9 A. That I am not in a position to answer either.</p> <p>10 Q. Well, hasn't Holy Transfiguration Monastery, at</p> <p>11 least in part, taken the respectable work of other revered</p> <p>12 translators and used them to put together documents?</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 A. Possibility. Possibility. I cannot say yes, no.</p> <p>15 Q. You never saw that happen?</p> <p>16 A. Well, I'm not responsible for the publication and</p> <p>17 translation. I've worked on The Psalter. I did not work</p> <p>18 on the other situations.</p> <p>19 Q. Okay.</p> <p>20 A. On The Psalter I've worked.</p> <p>21 Q. Well, let's go --</p> <p>22 A. Three of us, four -- four of us that worked on The</p> <p>23 Psalter.</p> <p>24 Q. Let's go back to The Psalter, then.</p>	<p>1 translator.</p> <p>2 Q. Well, in terms of ashrams, are you talking about</p> <p>3 the Coptic orthodox Hindu church?</p> <p>4 A. No, no, no, no. Hindu, Hindu. He was born in</p> <p>5 India from British parents, Father Lazarus Moore.</p> <p>6 Q. Okay.</p> <p>7 A. And then at the latter part, he went back to</p> <p>8 India, which was where he was born and reared, and stayed</p> <p>9 there, and then he -- I think he reposed in Alaska under</p> <p>10 the OCA.</p> <p>11 Q. Are you saying there was anything improper in his</p> <p>12 translating in India?</p> <p>13 A. Oh, no. His -- his English is -- I mean for us,</p> <p>14 it was not acceptable, the translation.</p> <p>15 Q. Okay. So --</p> <p>16 A. And so that liturgically we would not use it.</p> <p>17 Q. So that's why you relied more on Baxter's or</p> <p>18 Brenton's?</p> <p>19 MS. BROSIUS: Objection.</p> <p>20 A. We relied more on Father Gelsinger's, Michael</p> <p>21 Gelsinger's translation, which was never published; it was</p> <p>22 a manuscript. And we -- in the forward we give credit to</p> <p>23 that. We -- we -- we mention -- I don't know if we mention</p> <p>24 others in The Psalter that we consulted or that we were</p>
Page 106	Page 108
<p>1 A. Yeah.</p> <p>2 Q. Regarding The Psalter, you had as a starting point</p> <p>3 Brenton's translation of the Septuagint, correct?</p> <p>4 A. Oh, yeah.</p> <p>5 MS. BROSIUS: Objection.</p> <p>6 Q. I'm sorry?</p> <p>7 A. Yes. Brenton or I think Baxter, Baxter. I don't</p> <p>8 know about the Brenton.</p> <p>9 Q. Either Baxter's or Brenton's --</p> <p>10 A. Yeah.</p> <p>11 Q. -- was the foundation --</p> <p>12 A. Or maybe it's the same, I don't know.</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 Q. I'm sorry, can you explain what you mean?</p> <p>15 A. We were conscious of translations. There was one</p> <p>16 recent by Father Lazarus Moore, the whole Psalter, and was</p> <p>17 printed in India. He had joined ashrams there, et cetera,</p> <p>18 and he --</p> <p>19 Q. The Emmaus translation?</p> <p>20 A. Eh?</p> <p>21 Q. Is that what that's known as, the Emmaus</p> <p>22 translation?</p> <p>23 A. No, I don't know if it's called the Emmaus</p> <p>24 translation. But it was Father Lazarus Moore was the</p>	<p>1 conscious of. But Father Gelsinger was a classicist, a</p> <p>2 professor at Buffalo University, New York, and A-1 in his</p> <p>3 English and his Greek.</p> <p>4 Q. So am I correct or incorrect, let me know, that</p> <p>5 three of the primary texts that you drew from as you worked</p> <p>6 on The Psalter at Holy Transfiguration Monastery were</p> <p>7 Brenton's translation --</p> <p>8 A. No, no. They were only Father Michael's --</p> <p>9 Q. I'm sorry?</p> <p>10 A. Only Father Michael Gelsinger's.</p> <p>11 Q. Okay.</p> <p>12 A. No, the others weren't for us. We didn't consult</p> <p>13 them, because it was too mixed up in the --</p> <p>14 Q. Why then -- why then are there verses that are 100</p> <p>15 percent identical to the Brenton translation?</p> <p>16 A. There is no way that you can translate something</p> <p>17 from another language into English and not use the same</p> <p>18 words when it's the same words.</p> <p>19 Q. Okay.</p> <p>20 A. "Bread" is "bread," "man" is "man," et cetera. So</p> <p>21 there can be similarities.</p> <p>22 Q. Can you --</p> <p>23 A. But --</p> <p>24 Q. Okay. Would you take a look at page 328 of the</p>

<p style="text-align: right;">Page 109</p> <p>1 Horologion, which is Exhibit 7.</p> <p>2 A. 328?</p> <p>3 Q. Yes.</p> <p>4 A. My dear. 3 -- yes.</p> <p>5 Q. Do you see an icon there?</p> <p>6 A. Yes.</p> <p>7 Q. What is it an icon of?</p> <p>8 A. An entrance of mother of God to the temple.</p> <p>9 Q. Who wrote that icon?</p> <p>10 A. It was Father Gregory of our community at the</p> <p>11 time.</p> <p>12 Q. Who is now sitting here as Archbishop Gregory?</p> <p>13 A. Right, correct.</p> <p>14 Q. Did you ever seek his permission to include this</p> <p>15 icon in The Great Horologion that you've published?</p> <p>16 A. Since he was a member of the community and we</p> <p>17 trained him and he was supported by the community at the</p> <p>18 time, it was at our prompting, at our order that the icon</p> <p>19 was painted, not for us, but for a convent in Greece --</p> <p>20 that's where the original still is -- we did not think that</p> <p>21 we had to ask permission.</p> <p>22 Q. You --</p> <p>23 A. If it was -- if it was done by someone not in our</p> <p>24 community, yes, then I think it would be proper to give</p>	<p style="text-align: right;">Page 111</p> <p>1 A. Okay.</p> <p>2 Q. So let me ask that question now that it's clear</p> <p>3 that you do understand the question.</p> <p>4 A. Okay.</p> <p>5 Q. When I use the phrase "who wrote the icon," what</p> <p>6 does that mean to you?</p> <p>7 A. Who painted it.</p> <p>8 Q. Okay. And in orthodoxy, why do you say that</p> <p>9 someone writes an icon instead of paints it?</p> <p>10 A. We don't use that.</p> <p>11 Q. You don't, okay.</p> <p>12 A. We don't use "writes it." We say, "He painted the</p> <p>13 icon."</p> <p>14 Q. Do you understand the distinction between Western</p> <p>15 art and Eastern orthodoxy iconography?</p> <p>16 A. Of course, of course.</p> <p>17 Q. Okay. And when I say "who wrote the icon," does</p> <p>18 that underscore the distinction between Western art and</p> <p>19 Eastern orthodoxy?</p> <p>20 A. For some people. For some people.</p> <p>21 Q. Okay. For you, mentioning that it's an icon is</p> <p>22 enough?</p> <p>23 A. Yes.</p> <p>24 Q. Because it's not an icon if it's painted in the</p>
<p style="text-align: right;">Page 110</p> <p>1 acknowledgment and to --</p> <p>2 Q. So --</p> <p>3 (Discussion off the record.)</p> <p>4 THE WITNESS: To ask permission.</p> <p>5 Q. Okay.</p> <p>6 A. If it was done by an iconographer in Greece or</p> <p>7 here or there, or give acknowledgment at least, you know.</p> <p>8 We don't give acknowledgment; we don't sign icons.</p> <p>9 Q. Okay.</p> <p>10 A. Some artists in the world, like Photios Kontoglou</p> <p>11 and others, they sign. So, of course we give credit; we</p> <p>12 say it's done by so-and-so.</p> <p>13 Q. Now, I used a particular phrase that I know you</p> <p>14 understood, but we should probably unpack it. When I say</p> <p>15 "who wrote the icon" --</p> <p>16 A. Who painted.</p> <p>17 Q. -- what do I mean?</p> <p>18 MS. BROSIUS: Objection.</p> <p>19 A. Right?</p> <p>20 Q. Well, do you understand what I -- my question --</p> <p>21 A. Who painted it.</p> <p>22 Q. -- when I say "who wrote the icon"?</p> <p>23 A. Who painted it.</p> <p>24 Q. Yeah.</p>	<p style="text-align: right;">Page 112</p> <p>1 Western tradition?</p> <p>2 A. Yes, naturalistic style.</p> <p>3 Q. Okay. So for you, simply saying it's an icon is</p> <p>4 equivalent to other people saying someone --</p> <p>5 A. Yes.</p> <p>6 Q. -- wrote the icon; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 A. Just a play on words, painted, wrote.</p> <p>10 Q. Okay. Let's turn to page 405.</p> <p>11 A. Of this situation?</p> <p>12 Q. Of this same exhibit. Do you see an icon there?</p> <p>13 A. Yes, yes.</p> <p>14 Q. What is it an icon of?</p> <p>15 A. The three hierarchs of the church.</p> <p>16 Q. Who wrote this icon?</p> <p>17 A. This was by Bishop Gregory. He copied very</p> <p>18 faithfully an icon by Photios Kontoglou. The original, we</p> <p>19 had it in our possession at the time. It was unknown to</p> <p>20 us.</p> <p>21 (Discussion off the record.)</p> <p>22 THE WITNESS: By Photios Kontoglou,</p> <p>23 P-h-o-t-i-o-s, Photios, Kontoglou,</p> <p>24 K-o-n-t-o-g-o-l-u. No. G-l-o-u. G-l-o-u.</p>

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<p>1 A. And --</p> <p>2 Q. And when did you --</p> <p>3 A. -- this one we have in our monastery.</p> <p>4 Q. When did Photios Kontoglou live?</p> <p>5 A. He lived in the last century.</p> <p>6 Q. The 1800s?</p> <p>7 A. No, no. 1900s.</p> <p>8 Q. 1900s, okay.</p> <p>9 A. This is the 21st century. 19th century. I knew</p> <p>10 him personally.</p> <p>11 Q. Okay.</p> <p>12 A. Very well.</p> <p>13 Q. Was he offended that Archbishop Gregory --</p> <p>14 A. No.</p> <p>15 Q. -- wrote his icon?</p> <p>16 A. He -- he was very fond of us, and we have many of</p> <p>17 his icons. We have the largest amount of icons by him in</p> <p>18 any one place.</p> <p>19 Q. Why would he not take offense that somebody is</p> <p>20 copying his icons?</p> <p>21 A. He was very --</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 A. He was very zealous for orthodox iconography to be</p> <p>24 spread.</p>	<p>1 Q. Right.</p> <p>2 A. This was done after his repose.</p> <p>3 Q. And -- and the Scripture is --</p> <p>4 A. The iconography.</p> <p>5 Q. -- a much larger project than The Psalter?</p> <p>6 A. Of course.</p> <p>7 Q. Yeah. Okay. In orthodox tradition, who wrote the</p> <p>8 first icon?</p> <p>9 A. St. Luke the Apostle.</p> <p>10 Q. Okay. Of the Theotokos?</p> <p>11 A. The Theotokos.</p> <p>12 Q. Okay. And the first icon, was that Veronica's</p> <p>13 veil?</p> <p>14 A. No. We don't have a tradition of Veronica's veil.</p> <p>15 And even the Roman Catholics now, they say that's a legend.</p> <p>16 Q. Okay.</p> <p>17 A. And the name Veronica comes from vera icon, "true</p> <p>18 icon."</p> <p>19 Q. Okay.</p> <p>20 A. We have the traditional icon not painted by hands,</p> <p>21 and it's nothing to do with the passion of our Savior. The</p> <p>22 Veronica's veil has it with blood and a crown of thorns.</p> <p>23 This was by Abgar, the king of Edessa, which is now a town</p> <p>24 in Eastern Turkey; it was under the Syrian jurisdiction at</p>
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<p>1 Q. Okay.</p> <p>2 A. Proper, correct orthodox iconography.</p> <p>3 Q. So --</p> <p>4 A. And he rejoiced.</p> <p>5 Q. -- is it important for the sacred things of the</p> <p>6 church to be provided to the people of the church?</p> <p>7 MS. BROSIUS: Objection.</p> <p>8 A. Is it?</p> <p>9 Q. Is it important for the sacred things of the</p> <p>10 church --</p> <p>11 A. Yes.</p> <p>12 Q. -- to be provided to the church?</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 A. Yes.</p> <p>15 Q. The people of the church?</p> <p>16 A. Yes.</p> <p>17 Q. And that includes icons?</p> <p>18 A. Yes.</p> <p>19 Q. The services?</p> <p>20 A. The services.</p> <p>21 Q. The Psalter?</p> <p>22 A. Scripture.</p> <p>23 Q. Okay.</p> <p>24 A. We're still working on that.</p>	<p>1 that time.</p> <p>2 Q. Okay.</p> <p>3 A. And the name of the King was Abgar, and he wanted</p> <p>4 to see the Savior, but he was ill; he could not travel. He</p> <p>5 heard the fame of his miracles. And he sent a delegation</p> <p>6 with an artist to paint him. And while he was giving a</p> <p>7 sermon, our Savior, that artist tried to record his face,</p> <p>8 and he couldn't. And our Savior asked for a basin of</p> <p>9 water; he washed his face and dried it with a towel, and</p> <p>10 his image was imprinted. That's our tradition. So that</p> <p>11 was the first icon, before Luke the Apostle, not made by</p> <p>12 hands, by a miracle.</p> <p>13 Q. Could you turn to page 615 of Exhibit 7.</p> <p>14 A. (Pause.) Yes.</p> <p>15 Q. Do you see an icon there?</p> <p>16 A. Yes.</p> <p>17 Q. What is it an icon of?</p> <p>18 A. The burial of our Savior.</p> <p>19 Q. And who wrote this icon?</p> <p>20 A. Bishop Gregory, using a prototype from the</p> <p>21 Byzantium museum of Athens. The original is there.</p> <p>22 Q. And can you turn to page 707 of Exhibit 7. Do you</p> <p>23 see an icon there?</p> <p>24 A. St. Anne, the mother of the mother of God. This</p>

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<p>1 way.</p> <p>2 MS. BROSIUS: All right.</p> <p>3 THE WITNESS: Sorry. It's easier</p> <p>4 that way.</p> <p>5 Q. And who wrote that icon?</p> <p>6 A. Bishop Gregory.</p> <p>7 Q. And if you would turn to -- what is it -- do you</p> <p>8 see an icon of the guardian angel there?</p> <p>9 A. Where?</p> <p>10 Q. We'll skip that one. Let's go to page 841.</p> <p>11 A. 841. Archangels, yes.</p> <p>12 Q. And who wrote that icon?</p> <p>13 A. Bishop Gregory, also a copy from the Byzantine</p> <p>14 museum in Athens.</p> <p>15 Q. Can you turn to what would be page 824.</p> <p>16 A. 824. 824?</p> <p>17 Q. Yeah. It's not marked, but it's between 825 and</p> <p>18 823.</p> <p>19 A. Oh, it's back.</p> <p>20 Q. Yeah.</p> <p>21 A. That's the guardian angel there. 22. 23, that's</p> <p>22 about -- yes, that's the guardian angel.</p> <p>23 Q. And who wrote that icon?</p> <p>24 A. Bishop Gregory.</p>	<p>1 A. (Pause.) Yes.</p> <p>2 Q. Do you see an icon there?</p> <p>3 A. Yes.</p> <p>4 Q. And what is it of?</p> <p>5 A. Our Savior.</p> <p>6 Q. And who wrote that icon?</p> <p>7 A. It's a copy of a line drawing by Kontoglou.</p> <p>8 Q. And who wrote it?</p> <p>9 A. Father Gregory. The then Father Gregory.</p> <p>10 Q. Okay.</p> <p>11 A. And the one next page also.</p> <p>12 Q. Okay. Now, the copyright registration supplied as</p> <p>13 part of the complaint in this case is dated 1987. Does</p> <p>14 that sound about right --</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 Q. -- for the Prayer Book?</p> <p>17 MS. BROSIUS: Are you going to show</p> <p>18 him that document, Chris?</p> <p>19 MR. INGOLD: I was asking him --</p> <p>20 A. Can I see that?</p> <p>21 MR. INGOLD: -- based on that</p> <p>22 document whether that sounded correct to</p> <p>23 him.</p> <p>24 A. Can I see that? The first edition was '87?</p>
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<p>1 Q. Okay.</p> <p>2 A. As Father Gregory.</p> <p>3 Q. I'm going to ask you, let's put those within this</p> <p>4 envelope.</p> <p>5 MR. INGOLD: Ms. Brosius --</p> <p>6 A. I doubt it.</p> <p>7 MR. INGOLD: -- do you think you</p> <p>8 could assist me with that or hand it back</p> <p>9 to me?</p> <p>10 (Discussion off the record.)</p> <p>11 Q. I'm going to -- I'm going to ask you to take a</p> <p>12 look at what was previously marked as Exhibit 8.</p> <p>13 (Exhibit 8, A Prayer Book for</p> <p>14 Orthodox Christians, marked.)</p> <p>15 (Discussion off the record.)</p> <p>16 Q. If you take a look and see if you can identify</p> <p>17 what Exhibit 8 is.</p> <p>18 A. It's the Prayer Book.</p> <p>19 Q. Okay. And you recognize that as a work in which</p> <p>20 Holy Transfiguration Monastery --</p> <p>21 A. Correct.</p> <p>22 Q. -- claims copyright?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Would you take a look at page 248.</p>	<p>1 Q. Does that sound about right?</p> <p>2 A. You know, I have a sugar problem, and I forget a</p> <p>3 lot of things. It should say -- '87, yes, copyright.</p> <p>4 Q. Okay. Do you know if any portion of the Prayer</p> <p>5 Book existed in any form before 1987?</p> <p>6 MS. BROSIUS: Objection.</p> <p>7 A. There were -- yes, Jordanville had it in -- in</p> <p>8 English, one in English.</p> <p>9 Q. But Jordanville would not be a Holy</p> <p>10 Transfiguration Monastery work?</p> <p>11 A. No, no, no, no. And, of course, not -- not with</p> <p>12 all the contents in here. But it had, you know --</p> <p>13 Q. And --</p> <p>14 A. -- the main part of this.</p> <p>15 Q. You're familiar with something known as the Old</p> <p>16 Jordanville Prayer Book and the New Jordanville Prayer</p> <p>17 Book, are you not?</p> <p>18 A. I know the old one.</p> <p>19 Q. Okay. Well, the Jordanville Prayer Books in some</p> <p>20 respects are very close to Holy Transfiguration Monastery's</p> <p>21 Prayer Book, correct?</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 A. Correct.</p> <p>24 Q. Is that the same issue that we talked about with</p>

<p style="text-align: right;">Page 121</p> <p>1 Brenton's and The Psalter?</p> <p>2 A. No. Actually, there's a correspondence between</p> <p>3 the monastery and Bishop Laurus who was then at the time</p> <p>4 the abbot of the monastery. Laurus. L-a-u-r-u-s, Laurus.</p> <p>5 L-a-u-r-u-s.</p> <p>6 And it went back and forth a few letters, and he</p> <p>7 acknowledged that they had taken from our translations.</p> <p>8 Q. Regarding The Psalter, correct?</p> <p>9 A. No. Their Prayer Book. Their Prayer Book.</p> <p>10 Q. So they didn't translate anything in the</p> <p>11 Jordanville Prayer Book --</p> <p>12 A. Oh, they did.</p> <p>13 Q. -- individually?</p> <p>14 MS. BROSIUS: Objection.</p> <p>15 A. No. They -- they had a person who was very -- but</p> <p>16 the language was not liturgical; you know, it was more</p> <p>17 modern, et cetera, straightforward. And ours is more</p> <p>18 liturgical. It's a matter of, you know, choice, et cetera.</p> <p>19 And he then recognized, yes, and then they either took</p> <p>20 out -- they didn't want to give credit. So they just took</p> <p>21 out those parts that they had taken from us, and they made</p> <p>22 their own up.</p> <p>23 Q. Let's take a look --</p> <p>24 A. They had one brother there, what was his name? I</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. And that goes back to the same similarity between</p> <p>2 Brenton's and --</p> <p>3 A. Yeah.</p> <p>4 Q. -- Transfiguration Monastery's Psalter?</p> <p>5 MS. BROSIUS: Objection.</p> <p>6 A. "Lord have mercy" is going to be "Lord have</p> <p>7 mercy."</p> <p>8 Q. Okay.</p> <p>9 A. Can't be translated differently.</p> <p>10 Q. For example, "Glory to you, our God, glory to</p> <p>11 you," which is on -- also on page 1. Correct?</p> <p>12 A. No. You see, we have "glory to thee."</p> <p>13 (Discussion off the record.)</p> <p>14 Q. Okay.</p> <p>15 A. We have "glory to thee," not "to you."</p> <p>16 Q. Okay.</p> <p>17 A. So you see, we don't -- we object to using the</p> <p>18 common -- you know, we want to use liturgical language.</p> <p>19 Q. Are there other translators who've translated that</p> <p>20 phrase, "Glory to thee, our God, glory to thee"?</p> <p>21 A. Yes.</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 A. English of the 19th century.</p> <p>24 Q. Okay. And that would not be a phrase that</p>
<p style="text-align: right;">Page 122</p> <p>1 forget now. And he's -- I don't know if he's still living;</p> <p>2 I think he's reposed. He was a translator.</p> <p>3 Q. Let's take a look at page 8 of Deposition</p> <p>4 Exhibit -- or, actually, page 1, it's after all the --</p> <p>5 A. Is this the book?</p> <p>6 Q. -- interrogatory pages. It was the first --</p> <p>7 MS. BROSIUS: Which exhibit, Chris?</p> <p>8 MR. INGOLD: Exhibit 8.</p> <p>9 A. That's the Prayer Book, yeah.</p> <p>10 Q. Okay. And it starts out "Morning Prayers." Do</p> <p>11 you see that?</p> <p>12 A. We have this after the introduction. Oh, my.</p> <p>13 "Morning Prayers," right.</p> <p>14 Q. Okay. And they begin, "In the name of the Father</p> <p>15 and of the Son and of the Holy Spirit, amen." Do you see</p> <p>16 that?</p> <p>17 A. Right, right.</p> <p>18 Q. Okay. Is that a phrase that Holy Transfiguration</p> <p>19 claims is copyright?</p> <p>20 A. That's a phrase which is common, and it will</p> <p>21 always be translated the same.</p> <p>22 Q. Okay. So that there's a number of services where</p> <p>23 basic phrases could be translated the same, correct?</p> <p>24 A. Yes, absolutely.</p>	<p style="text-align: right;">Page 124</p> <p>1 Transfiguration Monastery claims copyright in --</p> <p>2 MS. BROSIUS: Objection.</p> <p>3 Q. -- is it?</p> <p>4 A. No.</p> <p>5 Q. Okay. How about down a little bit further, it</p> <p>6 says, "Holy God, Holy Mighty, Holy Immortal, have mercy on</p> <p>7 us."</p> <p>8 A. Right.</p> <p>9 Q. Is that a phrase that Holy Transfiguration</p> <p>10 Monastery claims copyright in?</p> <p>11 MS. BROSIUS: Objection.</p> <p>12 A. As I say, it cannot be translated differently.</p> <p>13 They are just common words, common -- that's the</p> <p>14 translation.</p> <p>15 Q. And we could go throughout all of Exhibit 8 and</p> <p>16 find --</p> <p>17 A. Yes, fine.</p> <p>18 Q. -- many examples like that, correct?</p> <p>19 MS. BROSIUS: Objection.</p> <p>20 Q. I'm sorry; is that correct?</p> <p>21 MS. BROSIUS: Objection.</p> <p>22 Q. You can answer.</p> <p>23 A. Correct.</p> <p>24 Q. Why is that the case?</p>

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<p>1 A. Because that -- that's part of translation.</p> <p>2 Q. Okay.</p> <p>3 A. In any language.</p> <p>4 Q. Those two exhibits that we just looked at, Exhibit</p> <p>5 8 and Exhibit 7, the Prayer Book and the Horologion, we</p> <p>6 looked at some icons in there that had been reproduced that</p> <p>7 were written by Archbishop Gregory, correct?</p> <p>8 A. Correct.</p> <p>9 Q. In your personal opinion, as the former abbot of</p> <p>10 Holy Transfiguration Monastery, would it be appropriate for</p> <p>11 Archbishop Gregory to sue Holy Transfiguration Monastery</p> <p>12 for using his icons?</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 A. None of the -- my answer: None of the icons were</p> <p>15 original of his. They were copies. Direct copies, not</p> <p>16 inspired by something else, but direct copies.</p> <p>17 Q. They're what's known as a derivative work, are</p> <p>18 they not?</p> <p>19 MS. BROSIUS: Objection.</p> <p>20 A. What's a derivative? Yes.</p> <p>21 Q. They are?</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 Q. You know what that means?</p> <p>24 A. That they derive from another source.</p>	<p>1 is that fair?</p> <p>2 MS. BROSIUS: I'd actually prefer we</p> <p>3 break at noon and take our -- take some</p> <p>4 time, just because --</p> <p>5 THE WITNESS: All right.</p> <p>6 MS. BROSIUS: -- he just had a --</p> <p>7 MR. INGOLD: If -- if -- if that's</p> <p>8 okay with you. Is that all right? Okay.</p> <p>9 BY MR. INGOLD:</p> <p>10 Q. Let's see. I'm going to show you what's been</p> <p>11 marked as Deposition Exhibit 92.</p> <p>12 (Exhibit 92, Holy Transfiguration</p> <p>13 Monastery catalog, marked.)</p> <p>14 Q. Do you recognize this exhibit, what it is?</p> <p>15 A. Yes. Yes. It's our catalog.</p> <p>16 Q. Okay. From about what year; do you have any idea?</p> <p>17 A. No. No.</p> <p>18 Q. Well, if you look on --</p> <p>19 A. We have a few editions of it.</p> <p>20 Q. If you'd look down on what it has a number 208 in</p> <p>21 the lower right-hand corner, would that help you identify</p> <p>22 what year this might be?</p> <p>23 A. No, because we have here 207 too.</p> <p>24 Q. Well --</p>
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<p>1 Q. Yes.</p> <p>2 A. Yes.</p> <p>3 Q. So they're derivative works?</p> <p>4 MS. BROSIUS: Objection.</p> <p>5 Q. Is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. And you're familiar with that term?</p> <p>8 A. Well, if it means it derives, it's taken from</p> <p>9 another source.</p> <p>10 MS. BROSIUS: Objection.</p> <p>11 Q. Okay.</p> <p>12 A. We don't do original things in our church. We</p> <p>13 have a tradition.</p> <p>14 Q. Let's take a look --</p> <p>15 MS. BROSIUS: Chris, what time are we</p> <p>16 going to break for lunch?</p> <p>17 MR. INGOLD: What would you like?</p> <p>18 MS. BROSIUS: We just need to be</p> <p>19 mindful of --</p> <p>20 THE WITNESS: What time is it?</p> <p>21 (Discussion off the record.)</p> <p>22 MR. INGOLD: Okay. Don't -- I -- I</p> <p>23 just want to make sure you understand, I</p> <p>24 don't want this to be an endurance contest;</p>	<p>1 A. Page before that. And it's the page right after</p> <p>2 the first -- oh, 206.</p> <p>3 Q. Well, at HTM 208, which would be the third page of</p> <p>4 this document, there's a copyright notice.</p> <p>5 A. Yes, yes.</p> <p>6 Q. Do you see that?</p> <p>7 A. Yes, yes.</p> <p>8 Q. And it says, "Copyright 2004."</p> <p>9 A. Two -- oh, I see, 2004.</p> <p>10 Q. Would this then be the catalog for 2004?</p> <p>11 A. I guess this was the first edition that we had in</p> <p>12 this form printed.</p> <p>13 Q. So around 2004; is that correct?</p> <p>14 A. I thought we had a catalog before that, but I</p> <p>15 don't know.</p> <p>16 Q. I believe you did. But this catalog, would this</p> <p>17 be correct for 2004?</p> <p>18 A. It was -- it was -- it was copyrighted, correct,</p> <p>19 it seems, yes.</p> <p>20 Q. I'd ask you to turn to page 49 of this catalog,</p> <p>21 which also in the lower right-hand corner has the mark "HTM</p> <p>22 000257." Can you let me know when you're there?</p> <p>23 A. 49, yes.</p> <p>24 Q. Do you see that there's a number of icons from</p>

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<p>1 this point forward?</p> <p>2 A. Right.</p> <p>3 Q. And that continues right up through --</p> <p>4 A. 53.</p> <p>5 Q. -- page --</p> <p>6 A. Actually -- actually it's 54.</p> <p>7 Q. -- 117 or the end of the catalog, which is also</p> <p>8 marked as HTM 000325.</p> <p>9 A. Yes, yes, yes, yes.</p> <p>10 Q. Okay. About how many of those icons were written</p> <p>11 by Father Gregory?</p> <p>12 A. Oh, I can't tell you. The -- the first ones, that</p> <p>13 whole selection of the life of our Savior and the feasts of</p> <p>14 Mother of God were done by an iconographer who taught</p> <p>15 Father Gregory.</p> <p>16 (Discussion off the record.)</p> <p>17 A. And the Mother of God, on the first four or five</p> <p>18 pages. They were done by an iconographer in Greece, Basil</p> <p>19 Lepouras, L-e-p-o-u-r-s. Lepouras. And he taught Father</p> <p>20 Gregory. He took him to Greece, and he --</p> <p>21 Q. Would it surprise you that more than 30 of these</p> <p>22 icons being sold in 2004 by Holy Transfiguration Monastery</p> <p>23 were written by Father Gregory? Would that surprise you?</p> <p>24 A. No, it would not surprise me, because he -- he,</p>	<p>1 to be corrected from the sketch on to the finished icon.</p> <p>2 So it was a community project. It wasn't one person.</p> <p>3 Q. So at that point in time, Archbishop Gregory was a</p> <p>4 member of the community.</p> <p>5 A. He was under obedience, yes; he was a member of</p> <p>6 the community.</p> <p>7 Q. He was contributing to Holy Transfiguration</p> <p>8 Monastery?</p> <p>9 A. Absolutely, because we all contribute.</p> <p>10 Q. He was part of --</p> <p>11 A. The brotherhood.</p> <p>12 Q. -- the church?</p> <p>13 A. Yes.</p> <p>14 MS. BROSIUS: Objection.</p> <p>15 A. But if he has done something out of the community,</p> <p>16 then we would not reproduce it without permission.</p> <p>17 Q. So things that are sacred that are done for the</p> <p>18 church should be the property of the church?</p> <p>19 MS. BROSIUS: Objection.</p> <p>20 A. No, no, not necessarily. Not necessarily. It's</p> <p>21 of the -- of the communities that produced them.</p> <p>22 Q. So he received support --</p> <p>23 A. Property of the types, but the -- the icons that</p> <p>24 are painted are painted in communities.</p>
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<p>1 when he was with us, with a blessing always, not on his</p> <p>2 own, made icons.</p> <p>3 Q. Would it be appropriate for Archbishop Gregory to</p> <p>4 sue Holy Transfiguration Monastery for selling these</p> <p>5 icons --</p> <p>6 A. No.</p> <p>7 Q. -- without his permission?</p> <p>8 A. Because --</p> <p>9 MS. BROSIUS: Objection.</p> <p>10 A. I -- I -- from my point, no.</p> <p>11 Q. Why not?</p> <p>12 A. It would be -- would be -- yes, he would be out of</p> <p>13 order.</p> <p>14 Q. Why?</p> <p>15 A. Because he was not an independent artist. He was</p> <p>16 a member of the community, and with the blessing of the</p> <p>17 community, at the command of the community, he painted</p> <p>18 these icons. It wasn't by, "I'm going to paint this icon</p> <p>19 today; I'm going to paint that icon tomorrow; I choose and</p> <p>20 what prototype I want to use." We told him what icon he</p> <p>21 was going to copy, and -- and the colors, et cetera. We</p> <p>22 had three people responsible to check every step. It was</p> <p>23 Father Haralampos, Father Arsenious, and myself. So -- and</p> <p>24 we objected many times; things had to be redone; things had</p>	<p>1 Q. He received support from the community when he was</p> <p>2 doing these works?</p> <p>3 A. He was -- he was educated by the community to</p> <p>4 become -- he was not an iconographer when he came.</p> <p>5 Q. He received a benefit from the community in</p> <p>6 exchange for his works?</p> <p>7 A. Absolutely.</p> <p>8 Q. Okay. What benefit did Holy Transfiguration</p> <p>9 Monastery obtain from coming under the jurisdiction of the</p> <p>10 Russian Orthodox Church Outside of Russia?</p> <p>11 A. We did not obtain physical benefits, monies. They</p> <p>12 are not wealthy people. They were refugees. We were</p> <p>13 contributing to them. They were not contributing to us</p> <p>14 monetary-wise.</p> <p>15 Q. Nobody provided any contributions --</p> <p>16 A. No.</p> <p>17 Q. -- to your monastery?</p> <p>18 A. No, no. We don't make any appeals. We've never</p> <p>19 made appeals. We're self-supporting, all our communities.</p> <p>20 Q. No one in the Russian Orthodox Church Abroad ever</p> <p>21 gave a gift --</p> <p>22 A. Yes, they have.</p> <p>23 Q. -- to support your monastery?</p> <p>24 A. On their own. On their own. We never solicited.</p>

<p style="text-align: right;">Page 133</p> <p>1 We never asked.</p> <p>2 Q. That's fine. We talked over each other. So let</p> <p>3 me clear the record.</p> <p>4 A. Yes.</p> <p>5 Q. Are you saying that no one in the Russian Orthodox</p> <p>6 Church Outside of Russia ever gave money --</p> <p>7 A. I said --</p> <p>8 Q. -- to the Holy Trinity --</p> <p>9 A. -- they did on their own. I answered on their</p> <p>10 own.</p> <p>11 Q. Right. And --</p> <p>12 A. Unsolicited.</p> <p>13 Q. And, actually, I'm aware that you answered, but</p> <p>14 when the transcript comes out, the court reporter is only</p> <p>15 writing, and if we both speak --</p> <p>16 A. All right.</p> <p>17 Q. -- he can't write them both.</p> <p>18 A. Right.</p> <p>19 Q. Is that understandable?</p> <p>20 A. Good. Good.</p> <p>21 Q. Okay. How -- what kind of contributions did you</p> <p>22 obtain as a monastery from the people of the Russian</p> <p>23 Orthodox Church Outside of Russia?</p> <p>24 A. Actually, ourselves, some gifts in memoriam of</p>	<p style="text-align: right;">Page 135</p> <p>1 works of ours, total works, not coding of a few hymns or</p> <p>2 this and that, and was printing them. One he had printed;</p> <p>3 the other was in the works. And it's actually a former</p> <p>4 member of the community that left it that appraised us. We</p> <p>5 had no idea that's what was going on. And then of course</p> <p>6 we immediately found copyright lawyers to be able to say,</p> <p>7 "What's going on?"</p> <p>8 Q. You mean Fish & Richardson?</p> <p>9 A. Fish, right? Yes? Is that the copyright, our --</p> <p>10 Mark.</p> <p>11 MS. BROSIUS: I -- I can't say</p> <p>12 anything.</p> <p>13 Q. She can't --</p> <p>14 MS. BROSIUS: I'm sorry.</p> <p>15 A. I don't know these things. Mark is our copyright</p> <p>16 lawyer.</p> <p>17 MS. BROSIUS: You can just say you</p> <p>18 don't know.</p> <p>19 Q. Mark Fisher?</p> <p>20 A. Yeah, he -- ah, that's his last name, Mark</p> <p>21 Fisher. You see, I don't remember all the names, et</p> <p>22 cetera. I've met the man, and he -- he's visited us. I</p> <p>23 think he has a health problem now; that's why he's not</p> <p>24 here. But so this was not the first. We thought that</p>
<p style="text-align: right;">Page 134</p> <p>1 families. Our convent received a large contribution when</p> <p>2 they relocated, the convent, not the monastery.</p> <p>3 Q. So --</p> <p>4 A. We paid our own mortgage and our own debt, without</p> <p>5 contributions from anyone, not only Russians, even from</p> <p>6 Greek-speaking people, et cetera.</p> <p>7 Q. And part of the way that Holy Transfiguration</p> <p>8 Monastery made those payments is through sales of icons</p> <p>9 written originally by Father Gregory?</p> <p>10 A. Absolutely. Absolutely. And all the work of the</p> <p>11 fathers, incense, mountain icons, et cetera, et cetera, et</p> <p>12 cetera. I would not say that was the main income.</p> <p>13 Q. Do you think it's appropriate for Holy</p> <p>14 Transfiguration Monastery to be bringing this civil lawsuit</p> <p>15 against Archbishop Gregory?</p> <p>16 MS. BROSIUS: Objection.</p> <p>17 A. It's a matter of copyright infringement. That's</p> <p>18 for the courts to decide.</p> <p>19 Q. Do you know why no one contacted him prior to</p> <p>20 filing suit against him?</p> <p>21 A. I'm not a head of that department. I know that</p> <p>22 there were previous situations, and he was conscious of --</p> <p>23 (Discussion off the record.)</p> <p>24 A. Previous situations where Bishop Gregory took</p>	<p style="text-align: right;">Page 136</p> <p>1 after that situation that Bishop Gregory would have been</p> <p>2 careful not to repeat a situation which would be contested.</p> <p>3 MS. BROSIUS: Let's take a break.</p> <p>4 MR. INGOLD: Well, I just want to</p> <p>5 finish this line --</p> <p>6 THE WITNESS: All right.</p> <p>7 MR. INGOLD: -- of questioning.</p> <p>8 THE WITNESS: Yes.</p> <p>9 MR. INGOLD: It won't be very long.</p> <p>10 BY MR. INGOLD:</p> <p>11 Q. So that was back in 2005 and 2006, is that</p> <p>12 correct, or thereabouts?</p> <p>13 A. Thereabouts.</p> <p>14 Q. A few years ago?</p> <p>15 A. Yes, a few years ago.</p> <p>16 Q. Okay. Maybe four years ago, maybe five years ago?</p> <p>17 And you said it was that activity that caused you</p> <p>18 to find Mark Fisher as an attorney?</p> <p>19 MS. BROSIUS: Objection.</p> <p>20 A. To my knowledge, I think so.</p> <p>21 MS. BROSIUS: You know what, I'm</p> <p>22 going to -- I'm just going to caution you</p> <p>23 not to reveal the content of any</p> <p>24 communications you may have had --</p>

<p style="text-align: right;">Page 137</p> <p>1 THE WITNESS: Oh, yes, yes, yes.</p> <p>2 MS. BROSIUS: -- with Mark or --</p> <p>3 THE WITNESS: I see.</p> <p>4 MR. INGOLD: Sure.</p> <p>5 MS. BROSIUS: -- any of the other</p> <p>6 attorneys.</p> <p>7 BY MR. INGOLD:</p> <p>8 Q. And -- and I totally agree with her. So let me</p> <p>9 just make sure the record's clear. It was that activity in</p> <p>10 2004 --</p> <p>11 A. No, no, no, no. We had a previous, and we were</p> <p>12 advised to find copyright lawyers, not just a lawyer.</p> <p>13 Q. Okay.</p> <p>14 A. And that was before, another situation, about</p> <p>15 copyright.</p> <p>16 Q. How long has he actually been the attorney --</p> <p>17 A. Oh --</p> <p>18 Q. -- for HTM?</p> <p>19 A. -- I don't know.</p> <p>20 Q. Could it be decades?</p> <p>21 A. No, not decades, but at least ten years.</p> <p>22 Q. Okay.</p> <p>23 A. I think. I don't know. I cannot be held to, you</p> <p>24 know.</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. Wasn't it a translation of the Syriac?</p> <p>2 A. No. It was translation from the Greek. But</p> <p>3 because there were ambiguous -- ambiguous portions and</p> <p>4 difficult places, we had to go back to the Syriac. That</p> <p>5 meant that we got him the equipment and spent the money</p> <p>6 to -- for him to learn Syriac, to get the dictionaries, to</p> <p>7 get the microfilms of manuscripts, et cetera, in the Syriac</p> <p>8 language, in the Greek language, ancient manuscripts, to be</p> <p>9 able to come out with critical text.</p> <p>10 Q. Did anyone else at the monastery learn Syriac</p> <p>11 other than Father Mamas, now known as Dana Miller?</p> <p>12 A. Yes.</p> <p>13 Q. Who?</p> <p>14 A. Father Pachomius, much better. He's of Syrian</p> <p>15 background.</p> <p>16 Q. Okay.</p> <p>17 A. So he had a very good background.</p> <p>18 Q. And he was working on that translation?</p> <p>19 A. No, no, no. He did not work there. He worked on</p> <p>20 other translations.</p> <p>21 Q. Well, that's what I'm talking about. To make this</p> <p>22 work, The Ascetical Homilies of St. Isaac the Syrian, who</p> <p>23 at the monastery learned Syriac other than father -- Father</p> <p>24 Mamas, now known as Dana Miller?</p>
<p style="text-align: right;">Page 138</p> <p>1 Q. Let me show you what's been marked as Deposition</p> <p>2 Exhibit 93.</p> <p>3 (Exhibit 93, certificate of copyright</p> <p>4 registration, marked.)</p> <p>5 Q. Do you recognize this exhibit?</p> <p>6 A. Yes, yes. It's why I said it was before.</p> <p>7 Q. Okay. This was back in 2004, 2005?</p> <p>8 MS. BROSIUS: Objection.</p> <p>9 Q. Is that correct?</p> <p>10 A. What it says, I don't know. I don't remember</p> <p>11 things like that.</p> <p>12 Q. It was this claim by Dana Miller, formerly Father</p> <p>13 Mamas, that led to the lawsuit against Archbishop Gregory</p> <p>14 in 2005 and 2006; is that correct?</p> <p>15 A. Yes, because of the work.</p> <p>16 MS. BROSIUS: Objection.</p> <p>17 Q. I'm sorry?</p> <p>18 MS. BROSIUS: Go ahead.</p> <p>19 A. Yes, because the work was copyrighted by the</p> <p>20 monastery.</p> <p>21 Q. Okay. Who actually translated it?</p> <p>22 A. It was Father Mamas, but not by himself totally.</p> <p>23 Already translations had been done of some of the homilies</p> <p>24 before by our Father Arsenious.</p>	<p style="text-align: right;">Page 140</p> <p>1 A. I told you, later Father Pachomius.</p> <p>2 Q. To do this work --</p> <p>3 A. No, not this work.</p> <p>4 Q. -- back in the 1980s?</p> <p>5 A. Not this work.</p> <p>6 Q. Okay. Well, I guess my question wasn't clear. So</p> <p>7 let me try to --</p> <p>8 A. Yes.</p> <p>9 Q. -- ask it more clearly.</p> <p>10 To make this work, The Ascetical Homilies of St.</p> <p>11 Isaac the Syrian, which was created back in the 1980s, who</p> <p>12 learned Syriac at the monastery other than Father Mamas,</p> <p>13 now known as Dana Miller, in order to make this work back</p> <p>14 in the 1980s?</p> <p>15 A. Just him.</p> <p>16 Q. Just Father Mamas, now known as Dana Miller --</p> <p>17 A. Yes.</p> <p>18 Q. -- is that correct?</p> <p>19 A. Yes, yes.</p> <p>20 MR. INGOLD: Would this be a good</p> <p>21 time to break for lunch?</p> <p>22 MS. BROSIUS: Okay.</p> <p>23 THE WITNESS: Yes.</p> <p>24 THE VIDEOGRAPHER: This marks the end</p>

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<p>1 of videotape number 2 in the deposition of 2 Father Panteleimon. We're going off the 3 record. The time is 12:03. 4 (Recess.) 5 THE VIDEOGRAPHER: We're back on the 6 record. This marks the beginning of 7 videotape number 3 in the deposition of 8 Father Panteleimon. The time is 1:26. 9 MR. INGOLD: Okay. Mr. Keller, would 10 you mind shutting that door, so we don't 11 disturb the rest of the office. 12 MR. KELLER: Oh, sure. 13 MR. INGOLD: I appreciate that. 14 Thank you. 15 Counsel, I also -- have you also been 16 independently recording portions of this 17 deposition? 18 MS. BROSIUS: Independently? 19 MR. INGOLD: Yeah. Well, apart from 20 the court reporter and videographer? 21 MS. BROSIUS: No. 22 MR. INGOLD: Okay. I was just 23 wondering. I thought I had observed that. 24 And I guess my request would be to invoke</p>	<p>1 been marked as Exhibit 9. 2 (Exhibit 9, The Ascetical Homilies of 3 St. Isaac the Syrian, marked.) 4 Q. And if you'd just take a moment and look through 5 that or just until you know what it is. 6 A. Yes, yes. 7 Q. Okay. Do you already recognize what Exhibit 9 is? 8 A. Yes. It's The Ascetical Homilies of St. Isaac the 9 Syrian. 10 Q. Okay. And that's the work that we were discussing 11 before the lunch break that Father Mamas, now known as -- 12 A. Right. 13 Q. -- Dana Miller, had a hand in; is that correct? 14 A. Right. Absolutely. 15 Q. Okay. And you recognize Exhibit 9 as one of the 16 works in which Holy Transfiguration Monastery is claiming 17 copyright? 18 A. Yes. 19 Q. Okay. Father Mamas, now known as Dana Miller, he 20 actually translated the majority of this work from the 21 Greek as well as -- 22 A. Yes. 23 Q. -- making corrections from the Syriac; is that 24 correct?</p>
Page 142	Page 144
<p>1 the rule of sequestration between the 2 deponents. 3 MS. BROSIUS: I guess I'm not 4 understanding what -- what you're 5 suggesting or what -- what you mean by 6 that. Independently recording? 7 MR. INGOLD: No. I guess independent 8 of the independent recording thing, I'm 9 invoking the rule of sequestration of 10 witnesses regarding the deponents' 11 testimonies this week, that they wouldn't 12 confer with each other between depositions. 13 MS. BROSIUS: I'll get back to you on 14 that. 15 MR. INGOLD: Okay. Well, just for 16 the record, I -- I believe the rules of 17 evidence do apply to proceedings such as 18 this, and the rule of sequestration is one 19 that can be invoked by any party, and I'm 20 invoking it. 21 MS. BROSIUS: Okay. 22 MR. INGOLD: Okay. Thank you. 23 BY MR. INGOLD: 24 Q. Father Panteleimon, I'd like to hand you what's</p>	<p>1 A. Correct. Correct. 2 Q. Okay. In fact, there were only about ten homilies 3 that were translated by another person, and he had to 4 actually correct those; is that right? 5 A. Yeah, revise them. 6 Q. Okay. I'd like to collect that exhibit back from 7 you. And I will trade it for what is Exhibit 10. 8 (Exhibit 10, The Octoechos, marked.) 9 Q. Do you recognize Exhibit 10? 10 A. Yes. Absolutely. 11 Q. What do you recognize Exhibit 10 to be? 12 A. It's The Octoechos, the complete Octoechos. 13 Q. Okay. And do you recognize Exhibit 10 as one of 14 the documents in which Holy Transfiguration Monastery 15 claims copyright? 16 A. Absolutely. 17 Q. Okay. And let me trade Exhibit 10 for Exhibit 11. 18 (Exhibit 11, Collected Dismissal 19 Hymns, Kontakia, and Megalynaria for the 20 Liturgical Year, marked.) 21 Q. Do you recognize Exhibit 11? 22 A. Yes, absolutely. 23 Q. I'm sorry, can you -- could you say that again? 24 A. Oh, let me see. It's not titled.</p>

Page 145	<p>1 Q. And -- And I --</p> <p>2 A. Oh, dismissal hymns.</p> <p>3 Q. -- apologize, but I can't quite hear you.</p> <p>4 A. Yes, yes, yes. Dismissal hymns. It's not the</p> <p>5 megalynaria.</p> <p>6 Q. Okay. So --</p> <p>7 A. It's not the megalynaria.</p> <p>8 Q. -- you recognize Exhibit 11 as what?</p> <p>9 A. As the dismissal hymns.</p> <p>10 Q. Oh, okay. Great.</p> <p>11 A. Dismissal hymns, kontakia, megalynaria, but not</p> <p>12 that whole --</p> <p>13 (Discussion off the record.)</p> <p>14 A. That's the -- the collection.</p> <p>15 Q. And do you recognize Exhibit 11, then, as a</p> <p>16 document in which Holy Transfiguration Monastery is</p> <p>17 claiming copyright?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. The Octoechos and the Collected Dismissal</p> <p>20 Hymns, they were never published, were they?</p> <p>21 A. No. We haven't come out with our final version.</p> <p>22 We haven't fine-tuned them yet.</p> <p>23 Q. How many years has it been since you copyrighted</p> <p>24 Exhibits 10 and 11?</p>	Page 147	<p>1 they would not reproduce it, they would not share with</p> <p>2 others. It was just for their use, private use. And, lo</p> <p>3 and behold, we get notice that a publishing house down</p> <p>4 south by a clergyman of the Russian Church Abroad was going</p> <p>5 to publish it for the first time.</p> <p>6 Q. What was his name?</p> <p>7 A. Father Williams.</p> <p>8 Q. Okay.</p> <p>9 A. And he was going to publish it. And we wrote to</p> <p>10 him and said, "What are you talking about?" And this,</p> <p>11 first of all, is not the final edition, and also it was</p> <p>12 with an understanding, whoever had a copy of the whole</p> <p>13 Pentecostarion, that they would not reproduce it.</p> <p>14 "My spiritual father," he answered, "gave me a</p> <p>15 blessing to -- this is text of the church, it belongs to</p> <p>16 the church, and therefore you cannot claim that it's</p> <p>17 yours."</p> <p>18 That made us make haste to publish it. And we did</p> <p>19 what we could in a short period of time of revising it, and</p> <p>20 we published it. Now it's out of stock -- what do they</p> <p>21 call it -- out of print, and we are hoping by the end of</p> <p>22 the year, the beginning of next year, to reprint it. And</p> <p>23 it's out of print for some years now. And we really worked</p> <p>24 now and have come out with a fine tuned.</p>
Page 146	<p>1 A. You'll have to ask the --</p> <p>2 MS. BROSIUS: Objection.</p> <p>3 A. -- person.</p> <p>4 Q. Do you know?</p> <p>5 A. No, I don't. The people that are responsible for</p> <p>6 the copyrighting would know.</p> <p>7 Q. If I were to represent to you that The Octoechos</p> <p>8 was registered with the copyright office back in 1986, and</p> <p>9 the dismissal hymns were registered with the copyright</p> <p>10 office back in 1987, would you have any reason to disagree</p> <p>11 with me?</p> <p>12 A. I have no way to agree or disagree. I don't know.</p> <p>13 Q. Okay. Can -- can you help me understand, as -- as</p> <p>14 somebody who was an abbot of Holy Transfiguration</p> <p>15 Monastery, why an important service book like The Octoechos</p> <p>16 and the dismissal hymns would be kept away from the people</p> <p>17 of the church for more than two decades?</p> <p>18 MS. BROSIUS: Objection.</p> <p>19 A. Until we come out with our final version, we don't</p> <p>20 want to have faulty things or things that we'll have to</p> <p>21 revise after and have a second edition with revisions. A</p> <p>22 good example, we have the pen -- pen -- Pentecostarion.</p> <p>23 That's one of our publications. And we have given out of</p> <p>24 charity copies to parishes to use, with the understanding</p>	Page 148	<p>1 We would have not have published it hastily if</p> <p>2 Father Williams had not -- was not ready to publish it on</p> <p>3 his own. And when we brought up to his attention to</p> <p>4 consider -- there is a term that they use, a samizdat.</p> <p>5 Samizdat. Underground publications. That was to escape</p> <p>6 the notice of the Soviet authorities. And they were</p> <p>7 published anonymously so you couldn't trace who published</p> <p>8 them. So in order to avoid any controversy of copyright,</p> <p>9 they were willing, this group of people, to publish it in</p> <p>10 such a manner.</p> <p>11 Q. Now, this concern about Father Williams, that's an</p> <p>12 event that's recited in the introduction to the</p> <p>13 Pentecostarion that --</p> <p>14 A. Oh.</p> <p>15 Q. -- HTM finally published, correct?</p> <p>16 A. That I don't remember. Probably, yes, yes, very</p> <p>17 probable. So we even mentioned it, that that's the reason</p> <p>18 we were publishing it.</p> <p>19 Q. Now, when --</p> <p>20 A. Before time.</p> <p>21 Q. When the Pentecostarion draft copies were sent</p> <p>22 out, do you know if they had any copyright notices on them?</p> <p>23 A. I -- I am not conscious of that. I cannot tell</p> <p>24 you.</p>

<p style="text-align: right;">Page 149</p> <p>1 Q. Okay. The sending out of translations into the 2 church at large, that happened with more than just the 3 Pentecostarian, didn't it? 4 A. To our own parishes, dismissal hymns, it's not 5 complete works, but, yes, a lot, a lot was shared. 6 Q. So these different works that we've been looking 7 at, you would share them with a parish priest, correct? 8 A. Absolutely. Absolutely. For certain periods that 9 were English, totally English, they didn't have an orthodox 10 language used. 11 Q. And that way the parish priest could also comment 12 on your translations and assist with corrections? 13 A. Yes, yes. We had some feedback. 14 Q. And these were the parish priests of the Russian 15 Orthodox Church Abroad, correct, up until the mid '80s? 16 A. Yes. 17 Q. Okay. 18 A. There wasn't much feedback, because they weren't 19 competent. They didn't know the original language. 20 They're just about syntax. 21 Q. And -- 22 A. Not about translation, though. 23 Q. Those drafts that went out to the parish priests, 24 they didn't have copyright notices on them, did they?</p>	<p style="text-align: right;">Page 151</p> <p>1 it, what would be the problem with him relying on the civil 2 law instead of an ecclesiastical promise? 3 MS. BROSIUS: Objection. 4 A. I don't understand your question. 5 Q. Okay. We talked earlier about the difference 6 between ecclesiastical law and Justinian law, correct? 7 A. Right. 8 Q. Okay. Civil law of Byzantium and the canon law, 9 The Rudder law, right? 10 A. Right. 11 Q. Now, if Father Williams wanted to rely on United 12 States civil law and take things that had been sent to him 13 without copyright notice and publicize them, and if he was 14 entitled to do that under the civil law -- 15 A. I -- 16 Q. -- why would church law stop him from that? 17 MS. BROSIUS: Objection. 18 A. Because even without church law, word of honor. 19 He promised. But then I'm under the understanding, even if 20 something is not copyrighted, that the people that -- do 21 have a certain ownership and they do have a certain right 22 over the -- when it's copyrighted and it's very clear, et 23 cetera, et cetera. And we made it clear to everyone that 24 we gave any of our translations that they were for personal</p>
<p style="text-align: right;">Page 150</p> <p>1 A. I cannot tell you. But it was with the 2 understanding, verbally and sometimes written, that they 3 would not be published or shared. It was only for their 4 own personal use. 5 Q. To your knowledge, has Holy Transfiguration 6 Monastery provided me any written agreement between the 7 monastery and people who received draft versions that they 8 wouldn't publicize it? 9 A. I cannot answer that. You have to ask the people 10 that are competent who you are going to -- 11 Q. But -- 12 A. -- depose later. 13 Q. -- have you ever seen such a document? 14 A. We trusted. I myself never requested. I trusted 15 they would be honorable and that they would honor our -- 16 our agreement. We're clergymen; we should keep our word. 17 Q. I'm going to trade you Exhibit -- 18 A. Father Williams acknowledged that he had promised, 19 but that he had been sorry, now he was going to break his 20 promise. He acknowledged in writing that that was the 21 agreement, but -- 22 Q. Well, if you actually were sending the document 23 out into the public domain, and if under the civil law of 24 the United States of America, he then was free to publish</p>	<p style="text-align: right;">Page 152</p> <p>1 use and not to be published. 2 Q. What is the earliest point in time that you would 3 have sent versions of these translations to the parish 4 priests? 1960, 1970? 5 A. I cannot remember any dates, to tell you the 6 truth. 7 Q. Was it before you left ROCOR? 8 A. Oh, yes. Oh, yes. 9 Q. Okay. 10 A. And this was done at that time through our Father 11 Ephraim, who's now metropolitan. 12 (Discussion off the record.) 13 A. Father Ephraim. Ephraim, E-p-h-r-a-i-m, yeah. 14 And he was a secretary, and he took care of the 15 correspondence, the requests, et cetera. It was discussed 16 among us, et cetera. There wasn't that many copies sent 17 out, I must say. Because there weren't that many 18 parishes -- 19 Q. Okay. 20 A. -- that were using English that requested it. 21 And -- 22 Q. Let me trade you Exhibit 11 for what is Exhibits 23 12 and 13. And I'm going to represent to you that 12 and 24 13 are actually one document. They just happen to be in</p>

<p style="text-align: right;">Page 153</p> <p>1 two exhibits. 2 (Exhibit 12-13, Pentecostarion, 3 marked.) 4 THE WITNESS: Pentecostarion. It's 5 Pentecostarion. Oh, it's the -- it's one 6 book, eh? 7 MS. BROSIUS: I'm sorry, Chris, what 8 are the numbers, 12 and 13? 9 MR. INGOLD: Yes. 10 THE WITNESS: Yes. So it's one book. 11 BY MR. INGOLD: 12 Q. And if you'd just take a moment to look at 13 Exhibits 12 and 13 until you could tell me what you're 14 looking at. 15 A. Yes. 16 Q. What -- 17 A. It's -- 18 Q. -- are you looking at? 19 A. It's the complete Pentecostarion from the Sunday 20 of the Resurrection 'til the Sunday after Pentecost of All 21 Saints. 22 Q. And that's the work that you were saying the 23 monastery had to rush to print because of -- 24 A. Right.</p>	<p style="text-align: right;">Page 155</p> <p>1 Q. Okay. We have now looked at Exhibit 10, The Great 2 Horologion; Exhibit 8, the Prayer Book; Exhibit 9, the 3 Ascetical Homilies; Exhibit 10, The Octoechos; Exhibit 11, 4 the Collected Dismissal Hymns; Exhibits 12 and 13, the 5 Pentecostarion; and Exhibit 15, The Psalter; right? 6 A. How about the Prayer Book? 7 Q. Yeah, the Prayer Book was Exhibit 8. 8 A. All right. 9 Q. Okay. So those seven works, are those seven works 10 what this lawsuit is about, to your knowledge? 11 A. No, I don't have knowledge. 12 Q. You don't know. 13 A. I don't know the details. 14 Q. Now, all these different works -- except for The 15 Psalter, maybe -- the Pentecostarion, the dismissal hymns, 16 draft versions were sent out to parish priests of the 17 Russian Orthodox Church, at least some of them? 18 A. At least some, not -- not all. 19 Q. To some of the priests, but not all of the 20 priests? 21 A. And not all the services. 22 Q. Okay. And those draft versions that went out went 23 out without any copyright notice? 24 MS. BROSIUS: Objection.</p>
<p style="text-align: right;">Page 154</p> <p>1 Q. -- what Father Williams was -- 2 A. About to do. 3 Q. -- telling the monastery? 4 A. Yeah. 5 Q. Okay. Do you recognize Exhibits 12 and 13, the 6 Pentecostarion, as a work in which the monastery is 7 claiming copyright? 8 A. Absolutely. 9 Q. Okay. I will trade you those two exhibits for 10 what's marked as Exhibit 15. 11 (Exhibit 15, The Psalter, marked.) 12 Q. Do you recognize deposition -- 13 A. Yes. 14 Q. -- Exhibit 15? 15 A. The Psalter. 16 Q. Say what? 17 A. The Psalter. 18 Q. And that's the one work that you actually assisted 19 with translating? 20 A. Absolutely. 21 Q. Okay. And you recognize Exhibit 15, the Psalter, 22 then, as a work in which the monastery is claiming 23 copyright? 24 A. Yes.</p>	<p style="text-align: right;">Page 156</p> <p>1 A. I don't know that either. I cannot tell you 2 truthfully. 3 Q. But they would have gone out before you stopped 4 commemorating the bishops of the Russian Orthodox Church 5 around 1986, correct? 6 MS. BROSIUS: Objection. 7 A. Much went out after, because that's when parishes 8 were formed that were non-Greek or Russian. 9 Q. Okay. 10 A. So there were a few occasions before. Very few. 11 That weren't that many parishes that required English. 12 Q. Would you deny that the dismissal hymns were going 13 out to the parishes in the mid '70s? 14 A. I cannot affirm or deny. I didn't keep track of 15 all this. I wasn't the secretary. I wasn't responsible. 16 Q. But you do know that some of these draft versions 17 went out to some of the parish priests -- 18 A. Yes, because they -- 19 MS. BROSIUS: Objection. Asked and 20 answered. 21 MR. INGOLD: Well, no -- 22 MS. BROSIUS: Give me a pause here. 23 Thank you. 24 MR. INGOLD: Yeah.</p>

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Society of the Holy Transfiguration Monastery, Inc. v. Archbishop Gregory of Denver Colorado

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<p>1 Q. I'm trying to ask a specific question that's all</p> <p>2 linked together, and it hasn't been asked this way, and it</p> <p>3 will take me a minute to get it out --</p> <p>4 A. Okay.</p> <p>5 Q. -- and your attorney may want to object.</p> <p>6 A. All right.</p> <p>7 Q. Okay? You would admit, would you not, that some</p> <p>8 of these draft versions of the works that we were just</p> <p>9 looking at went to some of the Russian orthodox priests of</p> <p>10 the Russian Orthodox Church Abroad before the monastery</p> <p>11 stopped commemorating the bishops of the Russian Orthodox</p> <p>12 Church Outside of Russia?</p> <p>13 A. Yes.</p> <p>14 Q. Yes. (Pause.)</p> <p>15 Have you ever seen an affidavit of Father</p> <p>16 Pachomius regarding this present lawsuit and the events</p> <p>17 that led up to it?</p> <p>18 A. No. Since I'm not involved in that if there's a</p> <p>19 problem, no, I have not seen affidavits.</p> <p>20 Q. Were you involved at all with the litigation that</p> <p>21 involved the monastery and Archbishop Gregory in Michigan</p> <p>22 around 2004, 2005?</p> <p>23 A. No, I was not.</p> <p>24 Q. 2006?</p>	<p>1 '50s, when we were students at the theological school in</p> <p>2 Brookline. And then, of course, I went back and finished</p> <p>3 two more years of university; I went to the Holy Mount. So</p> <p>4 it was many years later I returned. He was still a layman,</p> <p>5 but he was a graduate. He was a secretary to the bishop of</p> <p>6 Boston for the Greek correspondence, and his Greek was very</p> <p>7 good. And then I was present at his marriage when he</p> <p>8 married a local girl from Cambridge, Massachusetts,</p> <p>9 Presbyterian, and then he got ordained. So we've been, you</p> <p>10 know, from the early '50s we had a bond, a friendship. And</p> <p>11 he is the one that started the Christian Witness -- the</p> <p>12 Orthodox Christian Witness publication.</p> <p>13 Q. And I -- I think your voice is so soft --</p> <p>14 A. Oh, I see.</p> <p>15 Q. -- it's hard for the court reporter --</p> <p>16 A. Forgive me.</p> <p>17 Q. -- to pick it up.</p> <p>18 A. Forgive me, yes.</p> <p>19 Q. Okay. I know that this is a --</p> <p>20 A. Right. I should turn this way better.</p> <p>21 Q. I -- I know it's a different way than we usually</p> <p>22 speak.</p> <p>23 But did St. Nectarios Press publish materials that</p> <p>24 were produced by the monastery?</p>
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<p>1 A. I was not.</p> <p>2 Q. Okay. Since the mid '80s, have you had any</p> <p>3 involvement in the monastery apart from attending the --</p> <p>4 what did you call it -- meetings?</p> <p>5 A. The annual meetings and the -- and the synaxis.</p> <p>6 Q. The synaxis. And how often does the synaxis take</p> <p>7 place?</p> <p>8 A. Usually once a week.</p> <p>9 Q. Okay. And you participate in those?</p> <p>10 A. Of course.</p> <p>11 Q. Okay.</p> <p>12 A. All of us, even the bishops.</p> <p>13 Q. And as spiritual father of the monastery, you</p> <p>14 continue to provide direction to monks?</p> <p>15 A. To a degree, yes, absolutely, but not</p> <p>16 independently of the abbot. We work as a team.</p> <p>17 Q. What do you know by St. Nectarios Press?</p> <p>18 A. That was founded when the parish was formed, oh, I</p> <p>19 don't even remember what years.</p> <p>20 Q. What parish?</p> <p>21 A. St. Nectarios of Seattle.</p> <p>22 Q. Okay.</p> <p>23 A. Because there's St. Nectarios in Toronto, also,</p> <p>24 Canada. And of course I knew Father Neketas from the early</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. And --</p> <p>3 A. Others also.</p> <p>4 Q. Many times when St. Nectarios Press published</p> <p>5 them, were they violating what the monastery wanted them to</p> <p>6 do with those works?</p> <p>7 A. No, because it was with the blessing of the</p> <p>8 monastery.</p> <p>9 Q. Okay. So St. Nectarios Press published works</p> <p>10 prepared by the monastery with the blessing of the</p> <p>11 monastery?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. And when they published those works, many</p> <p>14 times they did no copyright notice, correct?</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 A. I have no idea.</p> <p>17 Q. You have no idea, okay?</p> <p>18 A. And I don't know what the laws are.</p> <p>19 Q. How many times did you see a work that was created</p> <p>20 by Holy Transfiguration Monastery that was published by St.</p> <p>21 Nectarios Press and it had a copyright or a C with a circle</p> <p>22 on it?</p> <p>23 A. That I am not able to answer either.</p> <p>24 Q. Can you recall ever seeing such a thing?</p>

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<div>1 A. Oh, I think I can. I think so.</div> <div>2 Q. But you're not sure?</div> <div>3 A. But -- well, later times, absolutely.</div> <div>4 Q. But --</div> <div>5 A. But in the early times, I'm not sure. I don't</div> <div>6 know.</div> <div>7 Q. The '70s and '80s, maybe not?</div> <div>8 MS. BROSIUS: Objection.</div> <div>9 A. Again, that's something that someone who is on the</div> <div>10 thing can verify. I cannot say yes, no.</div> <div>11 Q. Who was on that in the '70s and '80s?</div> <div>12 A. Would have been Bishop Ephraim, and then later</div> <div>13 Father Pachomius.</div> <div>14 Q. When did Father Pachomius start up those duties?</div> <div>15 A. That I don't remember either. He's been with us</div> <div>16 some time.</div> <div>17 Q. Were you aware that Archbishop Gregory was sued by</div> <div>18 Holy Transfiguration Monastery because of materials he had</div> <div>19 on his website?</div> <div>20 A. It was brought to my attention.</div> <div>21 Q. Before the suit was filed?</div> <div>22 A. I would think so. I don't know.</div> <div>23 Q. Okay. And what was your opinion at that time to</div> <div>24 learning that?</div>	<div>1 and that's what prompted us to print our pockets. Now</div> <div>2 since we print, it's been gone second edition already, it's</div> <div>3 so popular, the pocket edition.</div> <div>4 They were obliged, the convent there, to put a</div> <div>5 sticker in the copies they had left that it was translated</div> <div>6 by Holy Transfiguration Monastery. They didn't put a</div> <div>7 copyright in it, but they put it was translated by Holy --</div> <div>8 Boston. Because there's Holy Transfiguration Convent in</div> <div>9 Pennsylvania, and there's other Holy Transfigurations.</div> <div>10 Q. Have you ever heard of a website called "The</div> <div>11 Dynamic Horologion and Psalter"?</div> <div>12 A. I don't know how to use the Internet. I -- I</div> <div>13 don't know anything about web sites.</div> <div>14 Q. Yes.</div> <div>15 A. I don't know how to find them. I don't have a</div> <div>16 computer.</div> <div>17 Q. But that's not my question. Have you ever</div> <div>18 heard of --</div> <div>19 A. No.</div> <div>20 Q. -- a website --</div> <div>21 A. No.</div> <div>22 Q. -- called --</div> <div>23 A. No. I have not.</div> <div>24 Q. Okay. And, again, just as a reminder, even though</div>
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<div>1 A. I said that, well, we've had this done before on</div> <div>2 so many occasions, and when we ever brought it to the</div> <div>3 attention of the people, in most instances they asked</div> <div>4 forgiveness and they gave accreditation that it was</div> <div>5 copyrighted by the Holy Transfiguration Monastery.</div> <div>6 In a few instances -- someone had put the whole</div> <div>7 Psalter in the South. He, when he understood it was</div> <div>8 serious, withdrew it from the Internet, that he understood</div> <div>9 that he was out of order. But others, they just would</div> <div>10 acknowledge this and they would put it in.</div> <div>11 And also in Jerusalem once they printed a pocket-</div> <div>12 size edition, pocket edition of our Psalter. They didn't</div> <div>13 even reset it. They just facsimile the whole Psalter as it</div> <div>14 was printed by us. And someone bought it in Jerusalem and</div> <div>15 brought it to us; it was Vacoma Kasimani (phon sp). And we</div> <div>16 wrote them, and they were very indignant that why should we</div> <div>17 make it an issue, that they had every right. And we</div> <div>18 explained to them they didn't have the right; they should</div> <div>19 at least put the copyright so that someone would not just</div> <div>20 pick it up and reprint it and -- and then think it was</div> <div>21 never copyrighted, the translation.</div> <div>22 And their spiritual father was Archbishop Mark of</div> <div>23 Berlin. He saw the seriousness of the thing. He</div> <div>24 acknowledged the error, and asked forgiveness, and written,</div>	<div>1 you might already know how to answer my question before I</div> <div>2 finish, we should probably not --</div> <div>3 A. All right.</div> <div>4 Q. -- talk over each other; is that fair?</div> <div>5 A. Fair. Fair.</div> <div>6 Q. Okay. Have you ever heard of a church called</div> <div>7 Protection of the Mother of God Church?</div> <div>8 A. We have one ourselves.</div> <div>9 Q. Okay. This one would be part of the Russian</div> <div>10 Orthodox Church Outside of Russia.</div> <div>11 A. Might be more than one.</div> <div>12 Q. Okay.</div> <div>13 A. It's a popular feast among the Russians. It's a</div> <div>14 Russian feast.</div> <div>15 Q. This one is in Rochester, New York.</div> <div>16 A. Oh, yes, I've heard of it.</div> <div>17 Q. Okay. Do you know that with the blessing of the</div> <div>18 monastery, they have a complete Psalter on their website?</div> <div>19 A. Possibly. I don't know.</div> <div>20 Q. Okay.</div> <div>21 A. But it's with a blessing, right? It says</div> <div>22 copyright or not? I don't know.</div> <div>23 Q. Are you aware of the reaction of Archbishop</div> <div>24 Gregory as soon as he realized that the monastery was upset</div>

<p style="text-align: right;">Page 165</p> <p>1 about what he posted on his website?</p> <p>2 A. No, no.</p> <p>3 MS. BROSIUS: Objection.</p> <p>4 A. No, I don't.</p> <p>5 Q. Are you aware that he immediately made those items</p> <p>6 that were potentially complained of not accessible</p> <p>7 immediately?</p> <p>8 A. As I say, I don't see the Internet; I don't know</p> <p>9 what's going on. That's the fathers that are responsible.</p> <p>10 Q. You haven't even talked about that with the other</p> <p>11 fathers?</p> <p>12 A. No. There was no reason. I have many other</p> <p>13 things to attend to.</p> <p>14 Q. Okay. What are -- what are the other things, the</p> <p>15 many other things you do lately regarding the monastery's</p> <p>16 life?</p> <p>17 A. I still do translations.</p> <p>18 Q. Okay.</p> <p>19 A. I still do a lot of reading and a lot of prayers.</p> <p>20 Q. Okay.</p> <p>21 A. And hear confessions of people, parishes, priests,</p> <p>22 families. By mail, by telephone, by visits.</p> <p>23 Q. So you're very active --</p> <p>24 A. Yes. Yes.</p>	<p style="text-align: right;">Page 167</p> <p>1 the creation of Thy hands in Thine own holy name and that</p> <p>2 of Thine only begotten Son and of Thy life-creating Spirit,</p> <p>3 so that -- of Thine only begotten Son and of Thy life-</p> <p>4 creating spirit" -- oh -- "so that after being cleansed</p> <p>5 from all demonic influence, he/she may live godly, justly,</p> <p>6 and righteously and may be counted worthy to receive the</p> <p>7 Holy Mysteries of Thine only begotten Son and our God with</p> <p>8 Whom Thou art blessed and glorified together with the all</p> <p>9 holy and good and life-creating spirit now and ever and</p> <p>10 unto the ages of ages. Amen."</p> <p>11 MS. BROSIUS: Objection.</p> <p>12 Q. Do you think that that was a work translated by</p> <p>13 Holy Transfiguration Monastery?</p> <p>14 MS. BROSIUS: Objection.</p> <p>15 A. This -- this is from the exorcisms of St. John</p> <p>16 Chrysostom. And there's another set of exorcisms by St.</p> <p>17 Basil the Great which precede his and are longer than</p> <p>18 St. John Chrysostom's. And we have worked on the</p> <p>19 translation of the exorcisms for a long time, and it was</p> <p>20 especially the work of our Father Haralampos. And we have</p> <p>21 put out in a pamphlet form, and -- oh, no, we printed. We</p> <p>22 printed with copyright in one issue of the Vineyard -- The</p> <p>23 True Vine. The True Vine. That's the diocesan magazine.</p> <p>24 And it has even a line sketch of the demonics and the</p>
<p style="text-align: right;">Page 166</p> <p>1 Q. -- in the life of the monastery?</p> <p>2 A. Yes. Yes.</p> <p>3 Q. Okay. Were you told that everything that had been</p> <p>4 placed on the website of Archbishop Gregory infringed on</p> <p>5 the works of Holy Transfiguration Monastery?</p> <p>6 MS. BROSIUS: Objection.</p> <p>7 A. Not everything.</p> <p>8 Q. Okay.</p> <p>9 A. But quite a few things I was told.</p> <p>10 Q. I'm going to read something, and since you</p> <p>11 translate primarily Greek, correct?</p> <p>12 A. Right.</p> <p>13 Q. Okay. And this was written by St. John</p> <p>14 Chrysostom, who wrote in Greek, correct?</p> <p>15 A. Right, right.</p> <p>16 Q. Okay. I'm going to ask you, after I read this,</p> <p>17 whether you think anything like this was ever a work</p> <p>18 translated by Holy Transfiguration Monastery, okay?</p> <p>19 Okay. "O Eternal God, Who has redeemed the race</p> <p>20 of men from the captivity of the devil, deliver Thy</p> <p>21 servant/handmaid from all the workings of unclean spirits.</p> <p>22 Command the evil and impure spirits and demons to depart</p> <p>23 from the soul and body of your servant/handmaid and not to</p> <p>24 remain nor hide in him/her. Let them be banished from this</p>	<p style="text-align: right;">Page 168</p> <p>1 demons cast out by Photios Kontoglou and the translation of</p> <p>2 all these exorcisms. It sounds like it's ours, but I can't</p> <p>3 tell you for certain. I still read the exorcisms in Greek</p> <p>4 for people.</p> <p>5 Q. So you can't tell whether what I read to you --</p> <p>6 A. No.</p> <p>7 Q. -- was different --</p> <p>8 A. No.</p> <p>9 Q. -- or not different --</p> <p>10 A. No.</p> <p>11 Q. -- from how you translated it?</p> <p>12 A. No, I cannot remember that.</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 A. It was not translated by me, and I don't usually</p> <p>15 use English for the exorcisms.</p> <p>16 Q. Okay.</p> <p>17 A. And they -- I don't know in Hapgood -- I don't</p> <p>18 think the exorcisms are in Hapgood, but there must be</p> <p>19 another -- I don't know -- translation. I have no idea.</p> <p>20 But we have done, I know that much.</p> <p>21 Q. Is there a need for the exorcism prayers to be</p> <p>22 available in English to the clergy of the church?</p> <p>23 A. Of course.</p> <p>24 MS. BROSIUS: Objection. Go ahead.</p>

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<p>1 A. Of course.</p> <p>2 Q. Why do you say that?</p> <p>3 A. Because they're -- it's the position.</p> <p>4 Q. Is that something that should wait years to come</p> <p>5 to the people of the church?</p> <p>6 MS. BROSIUS: Objection.</p> <p>7 A. It is available.</p> <p>8 Q. Okay.</p> <p>9 A. It was printed, as I told you.</p> <p>10 MR. INGOLD: Is 94 the next exhibit?</p> <p>11 THE STENOGRAPHER: Yes.</p> <p>12 MR. INGOLD: I'm going to show you</p> <p>13 what will be marked as Exhibit 94. And</p> <p>14 while we're at it, why don't we collect</p> <p>15 back the other exhibits so we don't</p> <p>16 misplace them.</p> <p>17 (Exhibit 94, spring 2005 catalog</p> <p>18 price list, marked.)</p> <p>19 Q. Do you recognize Exhibit 94?</p> <p>20 A. Yes.</p> <p>21 Q. What is it?</p> <p>22 A. It's a catalog price list.</p> <p>23 Q. For --</p> <p>24 A. Spring 2005.</p>	<p>1 Q. Do you have knowledge of --</p> <p>2 A. No.</p> <p>3 Q. -- whether --</p> <p>4 A. No.</p> <p>5 Q. -- you know --</p> <p>6 A. No.</p> <p>7 Q. -- something or not?</p> <p>8 A. No. I don't know, but I -- I don't know that we</p> <p>9 ever did.</p> <p>10 Q. Let me -- let me just back up so that we have a</p> <p>11 clear record here.</p> <p>12 Do you have a good awareness of what you know</p> <p>13 versus what you don't know?</p> <p>14 A. Well, if I know, I know. If I don't know --</p> <p>15 Q. Okay.</p> <p>16 A. We're a large community; we have so many projects;</p> <p>17 I can't know everything.</p> <p>18 Q. Okay. Exactly.</p> <p>19 A. And my memory fails me too --</p> <p>20 Q. Okay. So --</p> <p>21 A. -- because of my sugar problem.</p> <p>22 Q. So I'm asking you, based on your personal</p> <p>23 knowledge, do you know whether the monastery has ever</p> <p>24 offered to pay Archbishop Gregory for the continued sale of</p>
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<p>1 Q. For Holy Transfiguration Monastery?</p> <p>2 A. Yes. For Holy Transfiguration Monastery.</p> <p>3 Q. If you could turn to page 22, which has a stamp</p> <p>4 HTM 0000065 in the lower right-hand corner.</p> <p>5 A. 22.</p> <p>6 Q. Do you see that that page has icon enlargements</p> <p>7 and reductions on it?</p> <p>8 A. Right.</p> <p>9 Q. And icons are offered for sale through the</p> <p>10 remainder of the catalog to the end, right?</p> <p>11 A. I believe so.</p> <p>12 Q. Is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. A large number of those icons offered for</p> <p>15 sale were written by Father Gregory, now Archbishop</p> <p>16 Gregory, correct?</p> <p>17 A. When he was a member of the community, correct.</p> <p>18 Q. Has Holy Transfiguration Monastery ever offered to</p> <p>19 pay Archbishop Gregory for the continued use of his icons?</p> <p>20 A. No.</p> <p>21 MS. BROSIUS: Objection.</p> <p>22 Q. To your knowledge.</p> <p>23 MS. BROSIUS: Objection.</p> <p>24 A. To my knowledge, no. No.</p>	<p>1 his icons?</p> <p>2 A. I don't --</p> <p>3 MS. BROSIUS: Objection.</p> <p>4 A. -- think so.</p> <p>5 MS. BROSIUS: Sorry. Let me</p> <p>6 intersperse -- interpose that objection,</p> <p>7 and then you can answer the question.</p> <p>8 THE WITNESS: All right.</p> <p>9 Q. Okay. Go ahead and answer.</p> <p>10 A. I have no -- no knowledge that we ever offered to</p> <p>11 pay, no.</p> <p>12 Q. I'm sorry. Can you --</p> <p>13 A. No. No.</p> <p>14 Q. I couldn't quite hear you.</p> <p>15 A. No.</p> <p>16 Q. Okay. And -- and, I'm sorry, the -- and I -- I</p> <p>17 know that this is an unusual situation, but you're being</p> <p>18 very soft spoken, and it's kind of hard to hear you.</p> <p>19 A. Yes, all right. You said that before.</p> <p>20 Q. Okay. So could you help me out and let me know:</p> <p>21 Has the monastery ever offered to pay Archbishop Gregory</p> <p>22 for the use of his icons?</p> <p>23 A. No.</p> <p>24 MS. BROSIUS: Objection.</p>

<p style="text-align: right;">Page 173</p> <p>1 A. Because -- all right. Because we have not 2 considered that they are property of Archbishop Gregory, 3 since they were done while he was in the community, a 4 member of the community. It's property of the community, 5 communally. Not individual people in their community. 6 Don't have individual property. That's part of the vows -- 7 Q. Okay. 8 A. -- of the Schema, that we don't have a personal 9 property. It's communal. 10 Q. And that's why many monks actually live in 11 hermitages, because they have taken vows of poverty? 12 MS. BROSIUS: Objection. 13 A. Yes. 14 Q. Is that correct? 15 A. Yes. All monks take a vow of poverty -- 16 Q. Okay. And -- 17 A. -- when they make vows. 18 Q. And monasteries are not created to make a profit, 19 are they? 20 A. No. 21 MS. BROSIUS: Objection. 22 A. Right. 23 Q. Is that correct? 24 A. Correct.</p>	<p style="text-align: right;">Page 175</p> <p>1 A. Correct. 2 Q. And some of those icons that were sold and 3 benefitted Holy Transfiguration Monastery were icons 4 written by Father Gregory? 5 A. When he was a member and was supported and taken 6 care of by the monastery. 7 Q. And those -- 8 A. As a member of the monastery, as all of us are 9 taken care of. 10 Q. And those icons continue to be sold to this very 11 day, correct? 12 A. Yes, correct. 13 Q. Okay. How did Holy Transfiguration Monastery 14 obtain the money to start manufacturing incense? 15 A. We started in the kitchen, rolling by hand. We 16 still roll. And it was a communal project. And in the 17 beginning it was very little, because we made very little, 18 but then the more we made, the more we sold, the more we 19 had to buy the raw incense, the olibanum tears from 20 Ethiopia and Somalia and other places, and then the 21 essences that are needed into it. We have to pulverize 22 first the incense tears to make it like flour to knead it 23 with the essences. It's a whole process. 24 Q. In fact, one of the ways that Holy Transfiguration</p>
<p style="text-align: right;">Page 174</p> <p>1 Q. They're create -- 2 A. We have to earn our keep. 3 Q. They're created to be self-sustaining? 4 A. Self-sustaining. And it's becoming more and more 5 difficult because prices have gone up for the utilities, 6 for this, for that, just heating in this area, tens of 7 thousands of dollars every winter. We have large 8 buildings. 9 Q. Since the 1960s, year by year, Holy 10 Transfiguration Monastery has needed money to stay open and 11 keep operating, correct? 12 A. Absolutely. 13 Q. Is that correct? 14 A. Correct. 15 Q. And one of the ways since the 1960s that Holy 16 Transfiguration Monastery has gotten money to stay open has 17 been through the sale of incense, correct? 18 A. Correct. 19 Q. Is that correct? 20 A. Correct. One of the items, yes. 21 Q. And one of the ways that Holy Transfiguration 22 Monastery has stayed open, financially meeting its needs 23 from the 1960s to the present, has been through the sale of 24 icons, correct?</p>	<p style="text-align: right;">Page 176</p> <p>1 Monastery had the money to start manufacturing incense was 2 because they had received money through the sale of icons 3 written by Father Gregory, correct? 4 A. No, not necessarily, no, no. Because we have so 5 many communal things to pay for, right, that that's a very 6 small fraction. 7 Q. In part -- 8 A. In part, yes, in part of everything. In part all 9 our work, that's the way we pay our keep. In part all our 10 work. Every member contributes. There isn't one member 11 that doesn't contribute. "He who doesn't work doesn't 12 eat," says the Apostle. 13 Q. So the admonitions in the New Testament are just 14 as binding on -- 15 A. Yes. 16 Q. -- the church as the canons of The Rudder? 17 A. Absolutely. 18 MS. BROSIUS: Objection. 19 Q. Well, and -- and we're kind of talking over each 20 other, so the record's not clear. So -- 21 A. We have -- we have the injunction from the Old 22 Testament, "By the sweat of your brow, you will earn your 23 bread," to Adam after the -- he was exiled from Paradise. 24 We have the injunction of St. Paul, "He who doesn't work</p>

<p style="text-align: right;">Page 177</p> <p>1 doesn't eat."</p> <p>2 And we have our monastic rules, and we have the</p> <p>3 injunctions of our spiritual elder, the founder, way back,</p> <p>4 Father Joseph the Cave Dweller, who told me very early, in</p> <p>5 writing even, in one of his letters, never to ask money</p> <p>6 from lay -- laity. "If you ask money and you receive</p> <p>7 money, you receive their debts also. As long as you work,</p> <p>8 you can work; you will earn your keep by your work. If you</p> <p>9 get sick and are not able to -- to work, then you will open</p> <p>10 and spread out your hand to receive alms. Otherwise, you</p> <p>11 are not excused to be asking for funds from other working</p> <p>12 people to upkeep yourselves as monastics."</p> <p>13 We've abided by that. All our communities. The</p> <p>14 sisters make beeswax candles; they sew. The other sisters</p> <p>15 in the West Coast make tea lights and others. Everywhere,</p> <p>16 all our communities, we have never made one appeal or</p> <p>17 fundraising situation ever to any jurisdiction to any</p> <p>18 people.</p> <p>19 There have been kind people on their own that</p> <p>20 have, in memory of their parents to have a mercy meal, that</p> <p>21 have donated. Even a few inheritances. But we never knew</p> <p>22 about it; we never solicited it; we never cultivated for</p> <p>23 them to leave us an inheritance. But they have included</p> <p>24 that. That's rare. But a few occasions. And that's the</p>	<p style="text-align: right;">Page 179</p> <p>1 Q. So the -- the instructions and the admonitions of</p> <p>2 the New Testament are just as binding on the orthodox</p> <p>3 Christian as the canons of The Rudder; is that correct?</p> <p>4 MS. BROSIUS: Objection.</p> <p>5 A. I would think so. St. Paul himself says, "I don't</p> <p>6 want to be a burden to anyone. With the work of these, my</p> <p>7 hands, I upkeep myself. I don't want to be a burden to</p> <p>8 you."</p> <p>9 Q. Which has more authority --</p> <p>10 A. But in other places, it says, you don't muzzle the</p> <p>11 oxen that tread out the corn, which means he was entitled,</p> <p>12 since he was their preacher, since he was their</p> <p>13 evangelizer, since he was their baptizer, that he would be</p> <p>14 upkeep by the community. But he didn't demand it.</p> <p>15 Q. In your own life, which has more authority, the</p> <p>16 teachings of the New Testament or the canons of The Rudder?</p> <p>17 A. They're one.</p> <p>18 MS. BROSIUS: Objection.</p> <p>19 A. For us they're one. We don't --</p> <p>20 Q. What do you mean by that?</p> <p>21 A. We don't make a distinction. It's part of the</p> <p>22 whole package. It's interwoven. You can't say the New</p> <p>23 Testament is independent, the canons are independent, the</p> <p>24 teachings are independent. It's one package, one fabric,</p>
<p style="text-align: right;">Page 178</p> <p>1 way we've been able to repair certain very expensive</p> <p>2 things, like to pave our road.</p> <p>3 We have a private way coming up, up to the house,</p> <p>4 it's a long way. It cost \$120,000. It was done last year.</p> <p>5 We did not have that money for over 25 years. Therefore,</p> <p>6 we had unbelievable potholes. And but we couldn't -- we</p> <p>7 were paving over them; we were filling the potholes, you</p> <p>8 know, with top -- blacktop, et cetera. But, again, they</p> <p>9 would deteriorate with the winter, with the frost. And</p> <p>10 finally someone left us an inheritance, and from that we</p> <p>11 were able to do that. But otherwise, no, it is our own</p> <p>12 work, and we -- we struggle, but we do it, and we don't</p> <p>13 make appeals.</p> <p>14 Q. Okay. This kind of paying your own way in the</p> <p>15 ministry, is that what the Protestants call a tent-making</p> <p>16 ministry?</p> <p>17 MS. BROSIUS: Objection.</p> <p>18 A. I don't know the terms of the Protestants. That's</p> <p>19 the first time I hear it, tent-making. I know about</p> <p>20 tithes, I've heard that, and that was in the Old Testament.</p> <p>21 Q. In the New Testament, what did the Apostle Paul do</p> <p>22 to --</p> <p>23 A. He made tents. So I -- I understand where it</p> <p>24 comes from, but I have never heard it before.</p>	<p style="text-align: right;">Page 180</p> <p>1 one tapestry. So we're not Bible sola. That's Luther.</p> <p>2 Scripture, only Scripture. We're the living tradition that</p> <p>3 we received. St. Paul speaks of these traditions in the</p> <p>4 epistle to Thessalonians. "Stand fast, stand fast, and</p> <p>5 keep all the traditions you have received, either by writ</p> <p>6 or by mouth," either in writing or orally. We have many</p> <p>7 traditions in our orthodox church from the Apostles that</p> <p>8 are never recorded; they're oral.</p> <p>9 Q. Earlier today you described how Holy</p> <p>10 Transfiguration Monastery left the jurisdiction of</p> <p>11 patriarch of Constantinople and came under the jurisdiction</p> <p>12 of the Russian Orthodox Church Outside of Russia; is that</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. Who is Holy Transfiguration Monastery under</p> <p>16 the jurisdiction of today?</p> <p>17 MS. BROSIUS: Objection. You can</p> <p>18 answer.</p> <p>19 A. We have our own bishops, our own synod.</p> <p>20 Q. Now, these are bishops of the monastery?</p> <p>21 A. No. These are bishops of the church. Many came</p> <p>22 from the monastery, but not all.</p> <p>23 Q. So when you say we have --</p> <p>24 A. Bishops have to be from monastics. They cannot be</p>

<p style="text-align: right;">Page 181</p> <p>1 from the married clergy unless there's a widower of the 2 monastic clergy and then he becomes a monastic first and 3 then he becomes a bishop. That's canon law. 4 Q. Since the Council of Carthage? 5 A. Well, one of those councils. I forget which one. 6 Q. Okay. 7 A. But we don't impose celibacy on the -- on the 8 parish clergy. 9 Q. There were married bishops in the early church -- 10 A. Absolutely. 11 Q. -- were there not? 12 A. St. Peter himself was married. 13 Q. So why are there no married bishops today? 14 A. It's one of the traditions that for administration 15 reasons, for pastoral reasons, was done away with. But 16 it's a possibility; again, it's not an impossibility. I 17 mean it was another tradition. There were other Judaisms 18 that we received from the Hebrews which were used in the 19 early church and then later were dispensed with. 20 Q. Do you know which council set forth the canon that 21 the bishops should put their wives away and no longer be 22 married? 23 A. No. And I can't do -- I don't remember. 24 Q. Okay.</p>	<p style="text-align: right;">Page 183</p> <p>1 A. I think, yes. 2 Q. Okay. And you've done your best to answer the 3 questions? 4 A. Best. Best. 5 Q. And you're not on any medication -- and I don't 6 need to know what they are, if you are taking any. But 7 you're not on any medication and none of your physical 8 problems are such that it would make you not be able to 9 tell the truth today; is that correct? 10 A. I take medications. All medications have side 11 effects. 12 Q. Okay. Do you think that you've not been able to 13 speak truthfully today? 14 A. I don't think so, but what can I tell you? I 15 mean, you know, if you read the side effects, it's a 16 horrifying situation, but usually they just -- they have to 17 list them. But it doesn't mean that in every instance all 18 these side effects take effect. But there are side 19 effects; I know that myself. 20 Q. So -- 21 A. My experience. 22 Q. -- you think that you may not have been able to 23 answer me truthfully in response -- 24 A. No. I think --</p>
<p style="text-align: right;">Page 182</p> <p>1 A. I used to know a lot of things. But not of late. 2 I'm 74 years old, and I have problems. 3 Q. What kind of problems do you have? 4 A. I'm diabetic; I have cholesterol; I have 5 arthritis. I've had many, many operations, about six, 6 eight, in the last 20 years or so. 7 Q. Okay. 8 A. So I mean I'm not physically in the best -- I tire 9 very quickly. 10 Q. Have any of your physical problems today prevented 11 you from telling me the truth or answering truthfully in 12 response to my questions? 13 A. I've answered to the best of my ability. If I 14 can't remember, if I'm -- I told you I can't remember or -- 15 Q. Okay. 16 A. -- you know, I -- I'm not apt in these other 17 situations about computers and sites. And first time I 18 heard this thing you told me about, what was it about? 19 Horologion or something, you know, who put it out. This is 20 the first time I hear about it. 21 Q. Okay. So you've understood my questions when I've 22 asked them, and when you haven't -- 23 A. I think. I think. 24 Q. -- you've let me know?</p>	<p style="text-align: right;">Page 184</p> <p>1 Q. -- to my questions? 2 A. I think I've tried to answer truthfully and if I'm 3 not confused. But if my sugar goes very low, then of 4 course I'm dazed. Then I'm like I'm not here. That's 5 happened. 6 Q. Can you reflect back on the course of the 7 deposition today and kind of think what happened throughout 8 the day? 9 MS. BROSIUS: Objection. 10 A. I forget very quickly. If you ask me what you 11 first asked, I cannot remember. And I -- I'm already 12 tired. But that's because of my condition. 13 Q. Do you realize most people probably couldn't 14 remember what the deposition started out? 15 A. Also. And they are much younger. And they don't 16 have the medical problems. 17 Q. This is my question -- 18 A. But I used to. I used to have a photographic 19 memory. 20 Q. As you think back over the course of today, do you 21 think there was any point in time where you were not able 22 to understand or answer my questions? 23 A. No, I don't think. I think I understood. 24 Q. Okay. And you answered truthfully to the best of</p>

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<p>1 your ability?</p> <p>2 A. To the best of my ability, yes.</p> <p>3 Q. Okay.</p> <p>4 A. My sugar in the morning was good.</p> <p>5 Q. Okay.</p> <p>6 A. But by now, I don't know.</p> <p>7 Q. As you sit here --</p> <p>8 A. It fluctuates.</p> <p>9 Q. -- today answering questions, do you fear God?</p> <p>10 MS. BROSIUS: Objection.</p> <p>11 A. We always fear God.</p> <p>12 Q. Why?</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 A. Because God is present. He's awesome. Ever</p> <p>15 present.</p> <p>16 Q. Okay. What admonitions about lying are in the</p> <p>17 Book of Revelation?</p> <p>18 MS. BROSIUS: Objection.</p> <p>19 A. There are many admonitions throughout the</p> <p>20 Scriptures.</p> <p>21 Q. I'm asking these questions for a purpose. At the</p> <p>22 start of today's deposition, the court reporter asked you</p> <p>23 to affirm.</p> <p>24 A. Yes.</p>	<p>1 Q. Okay. And you would not do that?</p> <p>2 A. To the best of my ability.</p> <p>3 Q. Okay. You would not break the commandments of God</p> <p>4 as revealed in the Scriptures?</p> <p>5 MS. BROSIUS: Objection.</p> <p>6 A. I hope.</p> <p>7 Q. Okay. And you would not break the commandments of</p> <p>8 God as revealed in the canons of The Rudder?</p> <p>9 MS. BROSIUS: Objection.</p> <p>10 A. Normally, no.</p> <p>11 Q. Okay. Where were you born?</p> <p>12 A. Detroit, Michigan.</p> <p>13 Q. And where did you go to school?</p> <p>14 A. Detroit, Michigan.</p> <p>15 Q. What is the level of your education?</p> <p>16 A. I got a bachelor from Wayne State University.</p> <p>17 Q. In what area of education?</p> <p>18 A. History.</p> <p>19 Q. History. Any particular field of history?</p> <p>20 A. Medieval history.</p> <p>21 Q. Okay. Of the West or the East?</p> <p>22 A. It was one. One empire at the time. Roman</p> <p>23 Empire, Byzantine Empire, included the West and the East.</p> <p>24 Q. What years did that cover in world history?</p>
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<p>1 Q. Okay.</p> <p>2 A. We don't take oaths. We affirm.</p> <p>3 Q. So as a clergyman, you would not swear; you</p> <p>4 wouldn't say --</p> <p>5 A. No.</p> <p>6 Q. -- "I swear to" -- you wouldn't do that; is that</p> <p>7 correct?</p> <p>8 A. We affirm.</p> <p>9 Q. And why not?</p> <p>10 A. Because it's in the Scriptures not to take oaths.</p> <p>11 Q. Okay. However, the Scriptures are also very clear</p> <p>12 about God's position about lying, correct?</p> <p>13 A. Yes, yes, yes.</p> <p>14 MS. BROSIUS: Objection.</p> <p>15 Q. And in the New Testament, what does it say about</p> <p>16 people who lie?</p> <p>17 MS. BROSIUS: Objection.</p> <p>18 Q. Is that a good thing or a bad thing for their</p> <p>19 eternal salvation?</p> <p>20 A. Bad.</p> <p>21 MS. BROSIUS: Objection.</p> <p>22 Q. Why?</p> <p>23 MS. BROSIUS: Objection.</p> <p>24 A. Well, it's moral law.</p>	<p>1 A. It was from Constantine the Great, St.</p> <p>2 Constantine, in the fourth century, 300s, 'til the high</p> <p>3 middle ages, the beginning of the renaissance.</p> <p>4 Q. What was the --</p> <p>5 A. 12th century, something, 14th century.</p> <p>6 Q. What was the Norse impact on world history?</p> <p>7 A. The -- the what impact?</p> <p>8 Q. Scandinavian or Norse.</p> <p>9 MS. BROSIUS: Objection.</p> <p>10 A. They were not civilized like the Romans and the</p> <p>11 Byzantines at the time. So they were like tribes, and like</p> <p>12 also the Franks.</p> <p>13 Q. How about post-Christianization Scandinavia?</p> <p>14 MS. BROSIUS: Objection.</p> <p>15 A. Post Christian? That's after Christian.</p> <p>16 Q. Well, after Christianity was introduced.</p> <p>17 A. They produced saints. They produced saints. All</p> <p>18 the nations everywhere, even China produced saints when</p> <p>19 Christianity reached their shores.</p> <p>20 Q. When did you decide to become a nun -- a monk?</p> <p>21 A. I decided quite early. It was my heroes from my</p> <p>22 childhood. I heard the lives of the saints, especially the</p> <p>23 desert fathers, and I dreamt of going to the desert.</p> <p>24 Q. As a child?</p>

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<p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 A. I was not physically very well. I had a hemi --</p> <p>4 semi hemophilia.</p> <p>5 Q. Okay.</p> <p>6 A. And I couldn't play because the least bleeding</p> <p>7 would become -- I had to go to the hospital. Any teeth</p> <p>8 work. Tonsils, I almost died after -- two days after the</p> <p>9 clot when I was bleeding to death.</p> <p>10 Q. Was there any person that you decided to become a</p> <p>11 monk together with, a friend that you said, "Hey, let's</p> <p>12 both become monks"?</p> <p>13 A. There were three of us.</p> <p>14 Q. Who?</p> <p>15 A. There was one, William Rosin, who became Basil</p> <p>16 when he became orthodox; and one Kenneth, Kenneth Lassky,</p> <p>17 Lassky, I think, who became later independently Konon,</p> <p>18 Father Konon. We were going to leave together for the Holy</p> <p>19 Mountain, and they chickened out at the last minute and I</p> <p>20 went by myself.</p> <p>21 Q. Did you go to college with Konon Lassky?</p> <p>22 A. No. I don't know if he went to college. I don't</p> <p>23 think he went. William Rosin did go. We were in the same</p> <p>24 class even.</p>	<p>1 answer.</p> <p>2 A. Right after we had --</p> <p>3 MR. INGOLD: Form or foundation,</p> <p>4 counsel?</p> <p>5 MS. BROSIUS: It's vague.</p> <p>6 MR. INGOLD: Okay. Thank you. I</p> <p>7 appreciate it. I'll try to clarify.</p> <p>8 Q. One of the reasons why here you get an explanation</p> <p>9 for why objections are made, I get a second chance. I can</p> <p>10 try to fix the question. Okay?</p> <p>11 Do you recall I was asking you previously about</p> <p>12 how you came to be under the jurisdiction of the Russian</p> <p>13 Orthodox Church?</p> <p>14 A. Yes.</p> <p>15 Q. Yes?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Now I'm trying to understand what</p> <p>18 jurisdiction the Holy Transfiguration Monastery is under.</p> <p>19 It's no longer under the Russian jurisdiction, correct?</p> <p>20 MS. BROSIUS: Objection.</p> <p>21 A. Correct.</p> <p>22 Q. Okay. What jurisdiction is Holy Transfiguration</p> <p>23 Monastery under now?</p> <p>24 MS. BROSIUS: Objection.</p>
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<p>1 Q. Did you know that --</p> <p>2 A. And Father -- Father Konon is older than me, a bit</p> <p>3 older. He is not my age. The other man was my age. We</p> <p>4 were teenagers together and young men at the same time.</p> <p>5 Q. Did you know that Father Konon was convicted of</p> <p>6 child molestation and went to jail?</p> <p>7 A. I've heard of that. I heard it.</p> <p>8 Q. Have you spoken with him?</p> <p>9 MS. BROSIUS: Objection.</p> <p>10 A. No.</p> <p>11 Q. Since that point in time?</p> <p>12 A. We've lost contact --</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 A. -- for ages and ages. Decades. And he has not</p> <p>15 contacted us and he is not part of us.</p> <p>16 Q. We were talking just a little bit ago you said</p> <p>17 Holy Transfiguration Monastery has its own bishops, and I</p> <p>18 was -- I was asking you that question to compare it with,</p> <p>19 you know, you were under the Constantinople patriarchate,</p> <p>20 and then you were under the Russian Orthodox Church Outside</p> <p>21 of Russia, and I was trying to figure out where you're at</p> <p>22 now, under what authority?</p> <p>23 A. So right after --</p> <p>24 MS. BROSIUS: Objection. You can</p>	<p>1 A. We had to seek -- we had to seek orthodox --</p> <p>2 MR. INGOLD: Counsel, form or</p> <p>3 foundation or what?</p> <p>4 MS. BROSIUS: Again, it's objecting</p> <p>5 to your use of "jurisdiction" as vague.</p> <p>6 A. Well, we had to find orthodox bishops, and we</p> <p>7 found them in Greece. Since I am of Greek background and</p> <p>8 the senior fathers are of Greek background, Father Ephraim,</p> <p>9 Father Haralampos, Father Isaac, the present abbot. We are</p> <p>10 all of Greek parentage, but all born here. And so we're</p> <p>11 first generation from immigrants.</p> <p>12 Q. Okay. Let me -- let me follow --</p> <p>13 A. So we appealed to a canonical jurisdiction in</p> <p>14 Greece, and we were accepted.</p> <p>15 Q. Okay. I need -- I need to try to fix the</p> <p>16 objection that counsel --</p> <p>17 A. All right. Yes, yes, yes.</p> <p>18 Q. -- had to my question. So let me try that.</p> <p>19 Do you understand "jurisdiction" to be a word with</p> <p>20 special meaning within church and church history?</p> <p>21 A. It's an administrative word.</p> <p>22 Q. Okay. What does -- in the terms of the church and</p> <p>23 the church life, what does the word "jurisdiction" mean?</p> <p>24 A. That you belong to a group of bishops; you belong</p>

<p style="text-align: right;">Page 193</p> <p>1 to a group of Christians under pastoral care of bishops.</p> <p>2 Q. Okay. And in that sense, then, you were under the</p> <p>3 jurisdiction at one time -- Holy Transfiguration Monastery</p> <p>4 was -- of the patriarch of Constantinople, correct?</p> <p>5 A. Right.</p> <p>6 Q. Okay. Then you came under the jurisdiction of the</p> <p>7 Russian Orthodox Church Outside of Russia, correct?</p> <p>8 A. Correct.</p> <p>9 Q. What jurisdiction is Holy Transfiguration</p> <p>10 Monastery under at this point in time?</p> <p>11 A. Under the True Orthodox Church of Greece,</p> <p>12 Archbishop Auxentius, who has reposed. And our two</p> <p>13 bishops, two bishops, were ordained there in Greece. One</p> <p>14 by the archbishop himself and the other in his presence by</p> <p>15 other bishops.</p> <p>16 Q. What is the relationship of Holy Transfiguration</p> <p>17 Monastery to the Holy Orthodox Church in North America?</p> <p>18 A. That's our jurisdiction as it's incorporated.</p> <p>19 Q. Okay. So the True Orthodox Church of Greece and</p> <p>20 the Holy Orthodox Church of North America you would say are</p> <p>21 one and the same?</p> <p>22 A. We received our Episcopal ordinations from them.</p> <p>23 Q. Okay. So this would be like -- and I know this</p> <p>24 can be kind of confusing to people who don't know</p>	<p style="text-align: right;">Page 195</p> <p>1 the Russian bishops in this country.</p> <p>2 And with the revolution, then there was such a</p> <p>3 disarray -- disarray in the Russian church, and they broke</p> <p>4 up even themselves abroad into different jurisdictions, the</p> <p>5 Paris group, the OCA, which was Metropolia, the Exarchate,</p> <p>6 the this, the that, and the Russian Church Abroad. And</p> <p>7 then of course before that the Greeks were the first to</p> <p>8 make separate and the Antiochians, and then the Romanians,</p> <p>9 then the Bulgarians, and all the other ethnic groups made</p> <p>10 their own jurisdictions.</p> <p>11 So now we have three, four bishops of New York,</p> <p>12 three, four bishops of Boston, you know what I mean? Et</p> <p>13 cetera. And the Albanians have a bishop in Boston; the OCA</p> <p>14 has a bishop of Boston; we have a bishop of Boston; the</p> <p>15 Greek Archdiocese has a bishop of Boston, you see, which is</p> <p>16 not the best of order. And until that is solved, but that</p> <p>17 can be solved only if there's a pan-orthodox situation.</p> <p>18 When is there going to be pan -- and are they going to be</p> <p>19 orthodox in the pan-orthodox complication whenever they</p> <p>20 come together? And now they're fighting. Most of the</p> <p>21 fighting now inter -- is over jurisdiction, not over</p> <p>22 matters of faith. It's over jurisdiction.</p> <p>23 Q. You don't see SCOBA as a pan-orthodox --</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 194</p> <p>1 orthodoxy, but you can have a Serbian orthodox Christian in</p> <p>2 China, and they just are under the jurisdiction of the</p> <p>3 Serbian metropolitan, correct?</p> <p>4 A. Usually there should be one bishop in one locale.</p> <p>5 Q. Okay.</p> <p>6 A. But because of the diaspora, because of the</p> <p>7 pastoral needs, because of the difference in languages,</p> <p>8 many different national jurisdictions sprung up.</p> <p>9 Q. Okay.</p> <p>10 A. In the beginning all were under the Russian</p> <p>11 jurisdiction since they were the first to come to this</p> <p>12 hemisphere through Alaska way back in the 1700s. That's</p> <p>13 before any immigration from the Balkans, from Eastern</p> <p>14 Europe, came to the United States. The 1700s, no one had</p> <p>15 come. In the 1800s, very few, and by the end of the 1800s,</p> <p>16 quite a few. And at the beginning of the 1900s, the big</p> <p>17 immigration of all peoples, Slavs and Greeks and all</p> <p>18 peoples from Europe and from everywhere. Now is especially</p> <p>19 from the Far East.</p> <p>20 So then as long as the Russian church was thriving</p> <p>21 under the Russian empire, no one would dare set up a</p> <p>22 separate jurisdiction because of ethnic or national</p> <p>23 language. Therefore the Greeks, the Antiochians, which is</p> <p>24 the Syrians, the Lebanese, the Romanians, were all under</p>	<p style="text-align: right;">Page 196</p> <p>1 Q. -- jurisdiction --</p> <p>2 A. No.</p> <p>3 Q. -- over the United States --</p> <p>4 A. No.</p> <p>5 Q. -- do you?</p> <p>6 A. No, no, no, no.</p> <p>7 Q. What is SCOBA?</p> <p>8 A. That's supposed to be -- SCOBA.</p> <p>9 Q. Standing Conference?</p> <p>10 A. Standing Conference of Orthodox Bishops --</p> <p>11 Q. Okay.</p> <p>12 A. -- of America.</p> <p>13 Q. Let's flesh this out a little bit. What's the</p> <p>14 difference between old calendar and new calendar in the</p> <p>15 orthodox church?</p> <p>16 A. We were all under the Julian calendar. That was</p> <p>17 the calendar that was used at the time of the birth of our</p> <p>18 Savior and the Apostles, the martyrdoms, et cetera.</p> <p>19 Although the Hebrews had their calendar, which was lunar.</p> <p>20 The Julian calendar, named after Julius Caesar, who was</p> <p>21 before Christ, was solar. Then we continued using that</p> <p>22 calendar of the empire for all the feasts and for the</p> <p>23 memorials of the martyrs, et cetera, until 1500s, something</p> <p>24 like that.</p>

<p style="text-align: right;">Page 197</p> <p>1 Q. Pope Gregory, right?</p> <p>2 A. Yeah, Pope Gregory.</p> <p>3 Q. Okay.</p> <p>4 A. Who said that there was an error in the</p> <p>5 calculation of the days and hours and this and that, and</p> <p>6 that so many days had accumulated, and the calendar should</p> <p>7 be reformed to go ahead. Back then I think it was 10 days</p> <p>8 or something. Since then it's become 13 days ahead,</p> <p>9 according to their reckoning. The orthodox church and the</p> <p>10 Protestant world -- because this was after the Reformation</p> <p>11 that Pope Gregory changed the calendar with his astronomers</p> <p>12 in Rome -- did not accept the innovation. They called it</p> <p>13 innovation of Pope Gregory. And they said that "We're not</p> <p>14 looking for accuracy of seasons, et cetera; we just have a</p> <p>15 way of reckoning the feasts, et cetera, and we're fine as</p> <p>16 we are all these centuries."</p> <p>17 Then, one by one, the European countries, the</p> <p>18 Protestant countries, gave in. One of the last to give in</p> <p>19 was England.</p> <p>20 Q. In fact, George Washington was born under the old</p> <p>21 calendar, correct?</p> <p>22 A. And the revolution, the -- was under the old</p> <p>23 style, Fourth of July, et cetera. And up to the beginning</p> <p>24 of the 1800s, you will find in English history after a date</p>	<p style="text-align: right;">Page 199</p> <p>1 A. The -- the canons concerning not celebrating our</p> <p>2 Easter, our Resurrection, before the Jewish Passover.</p> <p>3 Q. Because according to the apostolic canon, it must</p> <p>4 always be celebrated after?</p> <p>5 A. And it was according to the -- it was the time of</p> <p>6 the Passover our Savior was betrayed and crucified.</p> <p>7 Q. Okay. So the calendar issue seems funny to a lot</p> <p>8 of people --</p> <p>9 A. Yeah.</p> <p>10 Q. -- but actually it's important, isn't it?</p> <p>11 A. It's integral. And as we said, all the things in</p> <p>12 the church are interwoven --</p> <p>13 Q. Okay.</p> <p>14 A. -- in one package.</p> <p>15 Q. So going back to the True Orthodox Church of</p> <p>16 Greece, are they old or new calendar?</p> <p>17 A. They're old. All of them are old.</p> <p>18 Q. Okay. And the Holy Orthodox Church of North</p> <p>19 America, old or new calendar?</p> <p>20 A. Old. Traditional calendar.</p> <p>21 Q. And would you say that Holy Transfiguration</p> <p>22 Monastery is part of the Holy Orthodox Church of North</p> <p>23 America or part of the True Orthodox Church of Greece?</p> <p>24 A. We are a subsidiary of the church of Greece. We</p>
<p style="text-align: right;">Page 198</p> <p>1 "OS" which stands for "old style." So they recorded that</p> <p>2 it was not the reckoning of today's calendar, the Gregorian</p> <p>3 calendar. In the orthodox world, we resisted until 1924, a</p> <p>4 century later than the last Protestant country accepted the</p> <p>5 Gregorian reckoning.</p> <p>6 Q. What is the problem --</p> <p>7 A. And then they -- it --</p> <p>8 Q. I'm sorry.</p> <p>9 A. It created a schism.</p> <p>10 Q. What is the problem with using the new calendar</p> <p>11 and obeying the apostolic canon regarding the celebration</p> <p>12 of Pascha?</p> <p>13 A. It -- it throws everything off. That's why even</p> <p>14 the new calendarists of the orthodox did not touch the</p> <p>15 reckoning of Pascha. They still go back to the Julian</p> <p>16 calendar to reckon Pascha. They tried it in Romania. The</p> <p>17 first two years, they had western Pascha.</p> <p>18 Q. So here's --</p> <p>19 A. And then there were bloodsheds.</p> <p>20 Q. Here's the question: The calendar issue really</p> <p>21 underscores obedience to the canons, doesn't it?</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 A. Obedience to tradition, yes. Yes.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 200</p> <p>1 had our descent from there and our hierarchy from there.</p> <p>2 But we are incorporated as here; we're present here.</p> <p>3 Q. Okay.</p> <p>4 A. So locally we are -- we claim to be the church in</p> <p>5 North America.</p> <p>6 Q. Okay. So the Holy Orthodox Church of North</p> <p>7 America is simply the American portion of the True Orthodox</p> <p>8 Church of Greece?</p> <p>9 A. Yes. If you want to say that. You see, our</p> <p>10 ecclesiology is not Papal, and therefore every local parish</p> <p>11 is the complete church. It's not part of.</p> <p>12 Q. Okay.</p> <p>13 A. When we start speaking part of, then we're going</p> <p>14 to have a Papal system. And then you're going to have to</p> <p>15 have a head pancho, whatever they call it -- call it,</p> <p>16 head --</p> <p>17 MS. BROSIUS: Pope. Sorry.</p> <p>18 A. Not first among equals, but first, primus,</p> <p>19 pontificus, and to govern the whole situation</p> <p>20 monarchically. We're not. There's only three distinctions</p> <p>21 of the clergy: Deacon, priest, bishop. A simple suffragan</p> <p>22 bishop, who's not even a ruling bishop, has no less grace</p> <p>23 nor more than a patriarch. A patriarchal liturgy is not</p> <p>24 different from any other bishop's liturgy. It's the same</p>

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<p>1 Holy Spirit, the same changing of the elements of the</p> <p>2 body by our Savior that we believe, et cetera. So these</p> <p>3 distinctions are administrative. Of the dioceses, of</p> <p>4 bishops, archbishops, metropolitans, patriarchs, and --</p> <p>5 Q. So is the liturgy consubstantiation,</p> <p>6 transubstantiation, or a mystery?</p> <p>7 A. Change. We call it the change. It's not</p> <p>8 consubstantiation.</p> <p>9 Q. Would you say it's mystery or --</p> <p>10 A. It's a mystery. It's a mystery.</p> <p>11 Q. Is it consubstantiation?</p> <p>12 A. We cannot explain it. Therefore, it's called</p> <p>13 mystery, and it remains a mystery.</p> <p>14 Q. Okay.</p> <p>15 A. We are not scholastics who try to explain the</p> <p>16 mysteries. As in Roman churches, they -- they do it by</p> <p>17 transubstantiation and essence and substances and</p> <p>18 distinctions like that.</p> <p>19 Q. Bishop Ephraim is one of the bishops of the Holy</p> <p>20 Orthodox Church of North America?</p> <p>21 A. He's the president. Senior.</p> <p>22 Q. So he's the metropolitan?</p> <p>23 A. He's the metropolitan.</p> <p>24 Q. How many bishops are in HOCNA?</p>	<p>1 him.</p> <p>2 Q. What does it mean to be in communion with?</p> <p>3 A. It means that if we visit, we would attend their</p> <p>4 churches; if they visit, they would attend our churches.</p> <p>5 Q. Is HOCNA in communion with all of the bishops of</p> <p>6 the True Orthodox Church of Greece?</p> <p>7 A. Some of them don't wish to be in communion. We</p> <p>8 have one group that thinks they're the church and everyone</p> <p>9 else is outside the church, that they're the only orthodox</p> <p>10 bishops in Greece. We have that in the United States even;</p> <p>11 some people think they're the only bishops.</p> <p>12 MR. INGOLD: I understand that we're</p> <p>13 just about out of videotape. Would this be</p> <p>14 a good time to take a break?</p> <p>15 THE WITNESS: Yes, it would be</p> <p>16 good --</p> <p>17 MR. INGOLD: Okay.</p> <p>18 THE WITNESS: -- to take a break.</p> <p>19 Thank you.</p> <p>20 THE VIDEOGRAPHER: This marks the end</p> <p>21 of videotape number 3 in the deposition of</p> <p>22 Father Panteleimon. We're going off the</p> <p>23 record. The time is 2:45.</p> <p>24 (Recess.)</p>
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<p>1 A. Five.</p> <p>2 Q. And HOCNA's the short version for Holy Orthodox</p> <p>3 Church of North America?</p> <p>4 A. Right.</p> <p>5 Q. Okay.</p> <p>6 A. And there's three metropolitans.</p> <p>7 Q. There's three metropolitans in HOCNA?</p> <p>8 A. Yes, and two are suffragan bishops.</p> <p>9 Q. Okay. And how many bishops are in Greece as part</p> <p>10 of the True Orthodox Church of Greece?</p> <p>11 A. In Greece, there are many jurisdictions. There's</p> <p>12 divisions among the old calendars as there are now among</p> <p>13 the Russians.</p> <p>14 Q. Does the monastery commemorate all those bishops</p> <p>15 of the True Orthodox Church of Greece?</p> <p>16 A. Since they -- since they stand for the same</p> <p>17 confession that we stand, we consider them orthodox. And</p> <p>18 we would --</p> <p>19 Q. So you --</p> <p>20 A. We would not prohibit someone to take communion in</p> <p>21 the churches.</p> <p>22 Q. You commemorate all of the bishops --</p> <p>23 A. No, no, no. Each one commemorates his local</p> <p>24 bishop, and the local bishop will commemorate who is above</p>	<p>1 THE VIDEOGRAPHER: We're back on the</p> <p>2 record. This marks the beginning of</p> <p>3 videotape number 4 in the deposition of</p> <p>4 Father Panteleimon. The time is three</p> <p>5 o'clock.</p> <p>6 BY MR. INGOLD:</p> <p>7 Q. I believe we were talking about which bishops the</p> <p>8 monastery is now under the jurisdiction of, and I believe</p> <p>9 you told me the bishops of the True Orthodox Church of</p> <p>10 Greece, which would include the bishops of HOCNA; is that</p> <p>11 correct?</p> <p>12 A. Yeah. We're not under. Each bishop is of his</p> <p>13 diocese. Responsible for his diocese.</p> <p>14 Q. Okay. But the bishops together form a synod?</p> <p>15 A. Synod, right.</p> <p>16 Q. And so you are under the jurisdiction of the</p> <p>17 synod?</p> <p>18 A. Yes.</p> <p>19 Q. And is there a synod that is convened between the</p> <p>20 bishops in Greece and the bishops in America, or do they --</p> <p>21 A. No.</p> <p>22 Q. -- hold synods --</p> <p>23 A. No.</p> <p>24 Q. -- in their own countries?</p>

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Page 205	<p>1 A. No. Their own countries.</p> <p>2 Q. Okay. So would the monastery be under the synodal</p> <p>3 bishops of Greece or the --</p> <p>4 A. No.</p> <p>5 Q. -- synodal bishops of HOCNA?</p> <p>6 A. Of HOCNA.</p> <p>7 Q. Okay. That's what I was trying to clarify.</p> <p>8 And then directly the monastery is under the</p> <p>9 jurisdiction of Bishop Ephraim?</p> <p>10 A. Yes. Since we are in his diocese.</p> <p>11 Q. Who's actually Metropolitan Ephraim.</p> <p>12 A. Of Boston, right.</p> <p>13 Q. Okay. And as we discussed previously, although</p> <p>14 the abbot has the last word in a monastery, actually the</p> <p>15 bishop has the last word?</p> <p>16 A. To the bishop, one appeals if there is a</p> <p>17 disagreement and cannot be resolved within the community.</p> <p>18 And also he has the right, if he is reported to him</p> <p>19 something which is out of order, to come and investigate or</p> <p>20 to deal with it.</p> <p>21 Q. Okay.</p> <p>22 A. Otherwise, no, he does not meddle.</p> <p>23 Q. So are you familiar with the canons of The Rudder</p> <p>24 that talk about a bishop going into another bishop's</p>
Page 207	<p>1 A. That's Roman Catholic understanding.</p> <p>2 Q. If a person cannot manage the affairs of his own</p> <p>3 house, can he be elevated to the bishopric?</p> <p>4 A. That is evident, self-evident.</p> <p>5 Q. Say what?</p> <p>6 A. It's self-evident.</p> <p>7 Q. Would -- well, give me the answer, because it may</p> <p>8 not be evident.</p> <p>9 A. I don't see that he would be elected bishop. But</p> <p>10 that's not my -- I don't elect the bishop, so it's not my</p> <p>11 jurisdiction --</p> <p>12 Q. Okay.</p> <p>13 A. -- so I don't have any -- any say in that.</p> <p>14 Q. Are you familiar with the admonitions of St. Paul</p> <p>15 regarding whether someone should be elevated to bishop if</p> <p>16 they cannot manage the affairs of their own house?</p> <p>17 MS. BROSIUS: Objection.</p> <p>18 A. Yes, yes, yes.</p> <p>19 MS. BROSIUS: Thank you.</p> <p>20 A. Yes.</p> <p>21 Q. What are those admonitions?</p> <p>22 A. Oh, I can't remember now right off.</p> <p>23 Q. Okay.</p> <p>24 A. But they are. I've -- I've heard.</p>
Page 206	<p>1 jurisdiction and taking priests away from the other bishop?</p> <p>2 A. Yes.</p> <p>3 Q. What do the canons have to say about that?</p> <p>4 A. That is out of order.</p> <p>5 Q. Okay. And it -- it violates the canons?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So the bishop must have control over his</p> <p>8 house?</p> <p>9 A. Right.</p> <p>10 Q. Which would be his jurisdiction, correct? So the</p> <p>11 bishop must have control over his dioceses, which includes</p> <p>12 the monastery?</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 A. See, you use these words "control."</p> <p>15 Q. Okay.</p> <p>16 A. We don't use that in the church.</p> <p>17 Q. How do you use it?</p> <p>18 A. Bishop in Greece, episcopos.</p> <p>19 Q. Okay.</p> <p>20 A. Etymologically, the word comes "overseer." He</p> <p>21 oversees. He is the senior father of the community.</p> <p>22 Q. And if a person --</p> <p>23 A. Of the -- not controls.</p> <p>24 Q. If a person --</p>
Page 208	<p>1 Q. Okay. So a bishop must manage the affairs under</p> <p>2 his jurisdiction, including a monastery --</p> <p>3 A. Oversees.</p> <p>4 Q. -- or a convent --</p> <p>5 A. Oversees.</p> <p>6 Q. -- if they are under his jurisdiction?</p> <p>7 A. Oversees.</p> <p>8 Q. Is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. You mentioned control as an issue that you</p> <p>11 associated with the Catholic church; is that correct?</p> <p>12 A. Yes. You see, when there was a Vatican I in</p> <p>13 latter part of the 19th century, there were bishops in the</p> <p>14 Roman Catholic that disagreed with the infallibility and</p> <p>15 other teachings that were formulated in Vatican I -- in</p> <p>16 Vatican I. That was in the 1800s. And they broke away.</p> <p>17 They -- they formed the Polish Old Catholic Church, and a</p> <p>18 few other groups.</p> <p>19 Q. Were they Uniate Catholics?</p> <p>20 A. No, no. They were Roman Catholic.</p> <p>21 Q. Okay.</p> <p>22 A. Roman right. Polish. And in this country and --</p> <p>23 but there were others, not only just Polish bishops. And</p> <p>24 they said, "No, this is not the ancient teaching of the</p>

<p style="text-align: right;">Page 209</p> <p>1 church. This is something new. We don't accept it." 2 At that time in the Roman Catholic Church, the 3 properties belonged to the parishes who formed them. So 4 there was a lot of litigation in the courts over 5 properties. And in Rome, to safeguard a future situation 6 of schisms, began a real control of everything, especially 7 in this country, where the movement really flared up. 8 And -- 9 Q. So is -- is -- 10 A. So -- 11 Q. -- HOCNA in fellowship with those Catholics? 12 A. Of course not, no. They're still Roman right, 13 and -- and they believe that we are in schism, the 14 orthodox, and that there should be a papacy, but an 15 orthodox papacy, not the heretical papacy, no. 16 Q. So you're talking about the patriarch of Rome, who 17 was coequal with the patriarch of Constantinople? 18 A. Yeah, yeah. So what happens -- 19 Q. According to the -- 20 A. Since then -- since the Roman -- since then the 21 Roman church has made a rule that all properties are in the 22 name of the local bishop. Then there's a check for the 23 local bishop so he can't take all the properties and leave 24 Rome that then they're under the Pope ultimately in the</p>	<p style="text-align: right;">Page 211</p> <p>1 things. One will not come up with his own projects and, 2 you know, be self-willed, self-called, "I want to be this; 3 I want to be that." No. You're given an obedience. You 4 follow your obedience. 5 Q. Okay. 6 A. So it isn't that "I want to be a priest," "I want 7 to be a deacon," "I want to" -- no. Whoever is chosen by 8 the community. There's an obedience, just like everything 9 else an obedience. 10 Q. Do you recall -- 11 A. And the cook is not less obedience than the 12 priest. We have to have everything, everyone. We have to 13 have the cook also, or else we don't have priests, we don't 14 have anything, without the cook. 15 Q. Do you recall a time when Metropolitan Ephraim, 16 then Father Ephraim, almost threw Father Gregory, 17 Archbishop Gregory, down the stairs because of some wood 18 that was left on the saw? 19 MS. BROSIUS: Objection. 20 A. No, I have no recollection whatsoever of that. 21 No. 22 Q. You don't recall that? 23 A. Truthfully, no, no. 24 Q. You don't recall Father Gregory being very upset</p>
<p style="text-align: right;">Page 210</p> <p>1 final analysis. So there's a real control there. 2 Q. Okay. Let's -- 3 A. So if -- 4 Q. Let's talk about -- 5 A. -- anybody else separates himself like the old 6 Catholics, they'll have to step out and start their own 7 parish all over again. They cannot take properties with 8 them. 9 We don't have that among ourselves. That's why we 10 don't usually use the word "control." He shepherds, he 11 oversees, but everyone has his own properties, and if they 12 want to leave, we're not going to go to court over 13 properties. Let them take their properties. They formed 14 them; they're the ones that contributed; they're theirs. 15 We're not going to contest it in court. 16 Q. Let's talk about control. 17 A. Yeah. 18 Q. What kind of control does an abbot exercise within 19 a monastery? 20 A. He -- he hears thoughts, he -- he -- if there's 21 any dissension, he will try to mediate, et cetera. It's 22 pastoral. 23 Q. What's the rule of obedience? 24 A. Rule of obedience, that one will not do his own</p>	<p style="text-align: right;">Page 212</p> <p>1 and coming to you about that? 2 MS. BROSIUS: Objection. 3 A. I recall many things, but that I do not recall. 4 You're going to have the bishop give deposition tomorrow. 5 You can ask him. 6 Q. Do you recall that Father Isaac struck Milton 7 Kapner when he was at Holy Transfiguration Monastery? 8 MS. BROSIUS: Objection. 9 THE WITNESS: I should answer? 10 MS. BROSIUS: You can answer. 11 THE WITNESS: Eh? 12 MS. BROSIUS: You can answer. 13 THE WITNESS: Yes. 14 A. What did you call him, Milton? His baptismal was 15 Zacharias. I know him as his Zacharias. I didn't -- I 16 didn't know him as Milton. He was a visitor, and we have a 17 few visitors now that have been many years visitors, you 18 know, an old Serbian man who can't be by himself, and he's 19 semi-novice, and one Ephraim, a Mexican lad, who's now an 20 older person; he's not a lad. But he's been with us 25, 30 21 years. 22 So he was with us quite a few years. Towards the 23 end, he was made officially a novice, so he was given a 24 little novice hat, you know, but he hadn't put on a robe</p>

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<p style="text-align: right;">Page 213</p> <p>1 yet. And he had emotional problems, and he was by the</p> <p>2 government awarded a stipend monthly, since he could not</p> <p>3 work. He had to be -- take medication. When he took his</p> <p>4 medications, he was pretty well, very intelligent --</p> <p>5 Q. Father Panteleimon, I -- I don't mean to interrupt</p> <p>6 you, but we won't finish today --</p> <p>7 A. All right.</p> <p>8 Q. -- if you don't actually --</p> <p>9 A. All right.</p> <p>10 Q. -- answer my questions.</p> <p>11 A. So what happens --</p> <p>12 Q. Let's -- let's interact here --</p> <p>13 A. All right.</p> <p>14 Q. -- for a second so that we can --</p> <p>15 A. Did he strike him. Yeah, he did strike him.</p> <p>16 Q. Let's -- let's go ahead --</p> <p>17 A. Yes, he struck him.</p> <p>18 Q. -- and interact for a minute.</p> <p>19 A. He struck him.</p> <p>20 Q. Okay. So --</p> <p>21 A. Why?</p> <p>22 Q. Just so that we are clear -- hold on. Hold on for</p> <p>23 a second. I'm going to ask you very direct questions.</p> <p>24 A. Yes, yes, yes.</p>	<p style="text-align: right;">Page 215</p> <p>1 A. Father Andrew. What Father Andrew?</p> <p>2 Q. Archbishop Andrew who died.</p> <p>3 A. No. I --</p> <p>4 Q. You weren't aware of that?</p> <p>5 A. Numb?</p> <p>6 Q. His arm was numb.</p> <p>7 A. No.</p> <p>8 Q. Okay.</p> <p>9 A. No, no. This is a legend. This is not something</p> <p>10 that ever was in our community that I heard about. It's</p> <p>11 apocryphal.</p> <p>12 Q. The monastery is now under the jurisdiction of</p> <p>13 HOCNA through Bishop Ephraim, correct?</p> <p>14 A. Correct. Correct.</p> <p>15 Q. Okay. And when did the monastery come under the</p> <p>16 jurisdiction of HOCNA?</p> <p>17 A. When the bishops were ordained and we -- and our</p> <p>18 synod was created here. Otherwise, we're under -- under</p> <p>19 Archbishop Auxentius, and we commemorated him.</p> <p>20 Q. So was there -- like there was a blessing to leave</p> <p>21 the patriarch of Constantinople and go to the Russian</p> <p>22 Orthodox Church --</p> <p>23 A. There wasn't a blessing. There wasn't a blessing.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 214</p> <p>1 Q. And I would appreciate a direct answer.</p> <p>2 A. All right. All right. All right.</p> <p>3 Q. And that will help the deposition actually move</p> <p>4 forward, and maybe we'll even finish before 5:00.</p> <p>5 A. Oh.</p> <p>6 Q. I'd love to.</p> <p>7 A. All right. All right.</p> <p>8 Q. But we have to -- we have to be direct.</p> <p>9 A. All right.</p> <p>10 Q. The other attorneys in the room, they can ask you</p> <p>11 follow-up questions.</p> <p>12 A. All right. All right.</p> <p>13 Q. Are you aware of that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 A. Now I am.</p> <p>17 Q. So my only question was: Did Father Isaac struck</p> <p>18 Milton Kapner, who you call Zacharias?</p> <p>19 A. Yes. I wasn't present. I heard.</p> <p>20 Q. Okay. But you heard about it. Are you aware of a</p> <p>21 point in time when Father Isaac's hand was numb until he</p> <p>22 went over the relics of Father Andrew?</p> <p>23 MS. BROSIUS: Objection. You can</p> <p>24 answer.</p>	<p style="text-align: right;">Page 216</p> <p>1 A. That was an initiative on our part.</p> <p>2 Q. All right. What caused Holy Transfiguration</p> <p>3 Monastery members to leave the Russian Orthodox Church and</p> <p>4 go where? Go to HOCNA?</p> <p>5 A. No. Go to the bishops in Greece over matters of</p> <p>6 faith.</p> <p>7 Q. Which would be the True Orthodox Church of Greece?</p> <p>8 A. Yes.</p> <p>9 Q. Who were the bishops that you first went to from</p> <p>10 the Russian Orthodox Church?</p> <p>11 A. There were two bishops, Akakios and Gabriel.</p> <p>12 Q. Okay. And are they now bishops of the True</p> <p>13 Orthodox Church of Greece?</p> <p>14 A. One has reposed; Gabriel has reposed. Akakios</p> <p>15 returned to his synod.</p> <p>16 Q. What synod?</p> <p>17 A. Of Chrysostom Kiouisis.</p> <p>18 Q. Okay. And what are the bishops now, then, of the</p> <p>19 True Orthodox Church of Greece? What are their names?</p> <p>20 A. Oh, they have 50, 60 bishops in three --</p> <p>21 Q. Okay.</p> <p>22 A. -- main jurisdictions. So I don't know them --</p> <p>23 Q. What are the --</p> <p>24 A. I don't know them all.</p>

<p style="text-align: right;">Page 217</p> <p>1 Q. Other than Metropolitan Ephraim, who are the 2 bishops of HOCNA? 3 A. Metropolitan Makarios, Metropolitan Moses, Bishop 4 Sergios, and Bishop Demetrius. 5 Q. And do you know of a single bishop by name in 6 Greece with whom HOCNA is in communion? 7 A. Bishop Auxentius reposed, Athanasios -- Theonas 8 reposed. Athanasios was independent. He would not take 9 part even when the archbishop was living in the synod 10 obedience, although he was called, he was part of the 11 synod, but he refrained, and now he went under Kiousis 12 synod also like Akakios. 13 Q. Do you know of a bishop in Greece with whom 14 HOCNA's in communion? Do you know by name -- 15 A. In communion, we don't concelebrate, because -- 16 but we recognize the mysteries. Bishops have visited us of 17 them. Two bishops of late this year came and visited. 18 Q. Who? 19 A. Bishop Chrysostom, the younger one, and Bishop 20 Photius. 21 Q. Okay. 22 A. And also a metropolitan that they have in New 23 York, Peter. 24 Q. Okay.</p>	<p style="text-align: right;">Page 219</p> <p>1 concelebrations with new calendarists with Ecumenists in 2 Australia, in Chicago, and other parts of the country, and 3 of course that scandalized our people, and they said, "What 4 are we doing, then, in the Russian church, if they are not 5 defending the faith?" Why not have remained with the new 6 calendar, since during communion with them, and they're 7 going to be in full -- and in the end they went in final 8 and full communion with the others. 9 Q. After the monastery was part of the Russian 10 Orthodox Church Outside of Russia, did Father Konon ever 11 come to stay at the monastery? 12 MS. BROSIUS: Objection. 13 A. I faintly recall he came for a visit once as a 14 clergyman of the Russian Church Abroad. But I'm not 15 positive because it's so many years ago, I can't remember. 16 Q. Have you ever been convicted of a felony? 17 A. Convicted, no. 18 Q. Have you ever been arrested in or outside the 19 United States? 20 MS. BROSIUS: Objection. 21 A. In and out, yes. 22 Q. Where have you been arrested and when? 23 A. I was -- 24 MS. BROSIUS: Objection.</p>
<p style="text-align: right;">Page 218</p> <p>1 A. No. Peter. The nephew of Peter. Paul. 2 Stratigeas. And he came with his bishop, suffragan bishop, 3 right before intermission now in August, and they visited. 4 Q. When you left the patriarchate of Constantinople 5 for the Russian Orthodox Church Outside of Russia, the 6 patriarchate of Constantinople was adopting new calendar 7 ways, correct? 8 A. Oh, it was a new calendar from 1924. 9 Q. Okay. And -- 10 A. They tolerated us, though, as old style. We never 11 went new style. 12 Q. The Russian Orthodox Church Outside of Russia was 13 old calendar? 14 A. Yeah. Even the patriarchate, the Soviet church, 15 is still -- they're old calendar too. No one changed in 16 Russia. 17 Q. And the Russian Orthodox Church Outside of Russia 18 is still old calendar? 19 A. Oh, yes, all -- all of the groups. 20 Q. Okay. So why did the monastery leave the Russian 21 Orthodox Church Outside of Russia? 22 A. Because it did not continue in the tradition of 23 Metropolitan Philaret, who had reposed, and -- and 24 immediately once he reposed, they found the leeway to start</p>	<p style="text-align: right;">Page 220</p> <p>1 A. -- arrested in Greece in 1968, I think, under the 2 junta, the dictatorship. They took my passport. I was 3 going to leave after two months in Greece, and they claimed 4 that I was dealing in antiquities, that I set fire to the 5 Monastery of St. Panteleimon, where I was tonsured, on the 6 Holy Mountain. A whole slew of accusations. And brought 7 me to trial. 8 Q. What was the outcome of that trial in Greece? 9 MS. BROSIUS: Objection. 10 A. The outcome was that after two months of 11 harassment, they were not able to put the case together, so 12 many people came in defense, et cetera, and there was a law 13 under the junta that wherever a person stayed overnight in 14 Greece visiting with a foreign passport, he had to register 15 with the local police. So they knew the movement of every 16 foreigner or non-native Greek. They were fear -- the junta 17 feared that they would organize an opposition. 18 So I had left the Holy Mountain, because I always 19 visited the Holy Mountain, and I slept in the house of a 20 pious person, Thessalonica. I was very sick from my 21 stomach. And he said to me, "Father, give me your passport 22 so I go to the police and register that you're staying in 23 my apartment tonight. Tomorrow you leave for Athens." 24 I said, "It's still fine for one night. To go all</p>

<p style="text-align: right;">Page 221</p> <p>1 the way to the police now at night."</p> <p>2 He says, "Father, for your sake and for my sake,</p> <p>3 because we're not to give hospitality without registering</p> <p>4 the -- the guests."</p> <p>5 All right. All right. I gave my passport. He</p> <p>6 registered it.</p> <p>7 When they finally arrested me, they said, "You set</p> <p>8 fire to" -- "I did? I wasn't even there." They went and</p> <p>9 looked; they saw that I wasn't there. I had left the day</p> <p>10 before.</p> <p>11 And I said, "Why would I burn the monastery where</p> <p>12 I was tonsured?"</p> <p>13 They said, "Because you stole things and you</p> <p>14 wanted to cover -- cover up your theft." But since I</p> <p>15 wasn't there, "You left someone behind to set the fire."</p> <p>16 They went on and on and on.</p> <p>17 So finally I posted \$3,000 bail -- no, not bail.</p> <p>18 What do they call it? Surety? What do they call that?</p> <p>19 Legally, I don't know the legal terms.</p> <p>20 Q. That's fine. My question was much more simple.</p> <p>21 A. So I came to the States.</p> <p>22 Q. My question was much more simple: Have you ever</p> <p>23 been arrested in or outside the United States, and you said</p> <p>24 yes.</p>	<p style="text-align: right;">Page 223</p> <p>1 Q. And the time --</p> <p>2 A. The charges were -- were -- were dropped.</p> <p>3 Q. The time --</p> <p>4 A. I wasn't convicted. You said, "Were you ever</p> <p>5 convicted." I was never convicted.</p> <p>6 Q. The time you were talking about in Greece, that's</p> <p>7 the only time you were arrested in Greece?</p> <p>8 A. Yes.</p> <p>9 MS. BROSIUS: Objection.</p> <p>10 Q. Were you ever accused of smuggling items off the</p> <p>11 Holy Mountain?</p> <p>12 A. Oh, yes.</p> <p>13 MS. BROSIUS: Objection.</p> <p>14 A. That's what -- that was part of the --</p> <p>15 Q. Okay.</p> <p>16 A. There was 12 items of accusations. You can</p> <p>17 imagine. They said I stole the right hand of St. John the</p> <p>18 Russian and sold it to the Serbian church for a price in</p> <p>19 the United States. When finally they made an appeal -- and</p> <p>20 I didn't make the appeal, because I stayed out of Greece</p> <p>21 once I left Greece. Bond. That's what, I gave a \$3,000</p> <p>22 bond.</p> <p>23 Q. That's more than I need to know.</p> <p>24 A. All right.</p>
<p style="text-align: right;">Page 222</p> <p>1 A. Yes.</p> <p>2 Q. So you were arrested in Greece?</p> <p>3 A. Yes. And then --</p> <p>4 Q. And -- and I don't need to know why.</p> <p>5 A. All right. And --</p> <p>6 Q. I just need to know that you were.</p> <p>7 A. I was --</p> <p>8 Q. Were you ever arrested in the United States?</p> <p>9 A. And I was -- I was --</p> <p>10 MS. BROSIUS: Objection.</p> <p>11 A. -- arrested once in Detroit.</p> <p>12 Q. You were arrested once in Detroit.</p> <p>13 A. Yes.</p> <p>14 Q. How old were you?</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 A. I was a teenager.</p> <p>17 Q. A teenager. What was the charge?</p> <p>18 MS. BROSIUS: Objection.</p> <p>19 A. That I stole things.</p> <p>20 Q. Okay. And was that the only time you were</p> <p>21 arrested in the United States?</p> <p>22 A. Only time.</p> <p>23 MS. BROSIUS: Objection.</p> <p>24 A. Only time.</p>	<p style="text-align: right;">Page 224</p> <p>1 Q. And we'll be here all day.</p> <p>2 A. All right.</p> <p>3 Q. 'Til late at night.</p> <p>4 A. But it was proven that the hand was still there</p> <p>5 and that it was lies; it was slander.</p> <p>6 Q. Did you attend Holy Cross Seminary?</p> <p>7 A. For one season, one semester.</p> <p>8 Q. Was that before you founded Holy Transfiguration</p> <p>9 Monastery?</p> <p>10 A. Oh, of course. I was already two years</p> <p>11 university, and then went there thinking I might go and</p> <p>12 finish my other two years in college there and then take</p> <p>13 the three years of theology. But I didn't find the</p> <p>14 atmosphere conducive for spiritual. So I left and went</p> <p>15 back and finished another two years university at Wayne</p> <p>16 State.</p> <p>17 Q. Did you have a spiritual father in the Russian</p> <p>18 Church Outside of Russia?</p> <p>19 A. Yes.</p> <p>20 Q. Who was that?</p> <p>21 A. Archbishop Andrew. Out of Spring Valley, New</p> <p>22 York.</p> <p>23 Q. Are you aware that the city of Boston used to have</p> <p>24 and still in some places has cobblestones?</p>

<p style="text-align: right;">Page 225</p> <p>1 MS. BROSIUS: Objection.</p> <p>2 A. Cobblestones, yes.</p> <p>3 Q. Okay. Did you instruct your monks when you were</p> <p>4 abbot of Holy Transfiguration Monastery to take up</p> <p>5 cobblestones so that --</p> <p>6 A. No.</p> <p>7 Q. -- they could be used to build a wall around the</p> <p>8 monastery?</p> <p>9 A. No.</p> <p>10 MS. BROSIUS: Objection.</p> <p>11 A. No. We -- we bought.</p> <p>12 Q. You bought the cobblestones that formed that wall?</p> <p>13 A. After the big fire in Chelsea, and they uncovered</p> <p>14 after taking the asphalt from the streets, and we were</p> <p>15 paying per cobblestone, very cheap. And then we bought</p> <p>16 truckloads just, you know, cheaper than even the</p> <p>17 cobblestone.</p> <p>18 Q. Who were the monks that you instructed to go get</p> <p>19 the cobblestones?</p> <p>20 MS. BROSIUS: Objection.</p> <p>21 A. Many of the other fathers. We had a pickup truck,</p> <p>22 and they would go, and we'd pay each time, and we'd get</p> <p>23 them.</p> <p>24 Q. Was Father Mamas one of them?</p>	<p style="text-align: right;">Page 227</p> <p>1 MS. BROSIUS: Objection.</p> <p>2 A. Oh, I don't think so.</p> <p>3 Q. Does the monastery have a septic system?</p> <p>4 A. Yes.</p> <p>5 Q. Has it released raw sewage into Jamaica Pond?</p> <p>6 MS. BROSIUS: Objection.</p> <p>7 A. No.</p> <p>8 Q. Never?</p> <p>9 A. Well, we had to connect with the public sewage.</p> <p>10 So we've done that, both places. Main house and the coach</p> <p>11 house. At a big expense.</p> <p>12 Q. Was -- did the authorities find that your septic</p> <p>13 system was discharging sewage into Jamaica Pond?</p> <p>14 A. All the homes.</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 A. All the homes built in the 1800s had their own</p> <p>17 septic systems. There was no public sewage system.</p> <p>18 Q. Yeah. But that wasn't my question. Did the</p> <p>19 authorities tell you that your monastery's --</p> <p>20 A. Yes.</p> <p>21 Q. -- septic system was discharging sewage into</p> <p>22 Jamaica Pond?</p> <p>23 A. Yes.</p> <p>24 MS. BROSIUS: Objection.</p>
<p style="text-align: right;">Page 226</p> <p>1 A. Oh, yes.</p> <p>2 Q. And did you have him go in his Volkswagen bus and</p> <p>3 fill it up in the middle of the night?</p> <p>4 MS. BROSIUS: Objection.</p> <p>5 A. Volks what? Volkswagen what?</p> <p>6 Q. A bus?</p> <p>7 MS. BROSIUS: Objection.</p> <p>8 Q. A Volkswagen?</p> <p>9 A. No, no, no.</p> <p>10 Q. His car? Did you ever have him take --</p> <p>11 A. He -- he -- he didn't --</p> <p>12 Q. -- his car?</p> <p>13 A. -- have a car. We had --</p> <p>14 MS. BROSIUS: Objection.</p> <p>15 A. -- vehicles at the monastery.</p> <p>16 Q. Did the monastery have a car?</p> <p>17 A. Yes, we have vehicles. We still have. We have to</p> <p>18 have vehicles.</p> <p>19 Q. Did you ever instruct any of your monks to go out</p> <p>20 in the middle of the night to get cobblestones?</p> <p>21 A. Not to my memory.</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 A. Not to my memory.</p> <p>24 Q. Okay. But it's possible?</p>	<p style="text-align: right;">Page 228</p> <p>1 A. And other -- and other neighbors.</p> <p>2 Q. And they required that you corrected it?</p> <p>3 MS. BROSIUS: Objection.</p> <p>4 A. Absolutely.</p> <p>5 Q. And you knew that it was discharging the sewage</p> <p>6 into Jamaica Pond before the authorities --</p> <p>7 A. No. I don't say that --</p> <p>8 Q. -- pointed it out to you?</p> <p>9 A. I don't say --</p> <p>10 MS. BROSIUS: Objection.</p> <p>11 A. I don't say we knew it. How could we know it?</p> <p>12 Q. Okay. You'll have to let me finish my question --</p> <p>13 A. Yeah.</p> <p>14 Q. -- before you respond --</p> <p>15 A. All right.</p> <p>16 Q. -- or we won't be able to get the deposition</p> <p>17 completed. Is that fair?</p> <p>18 A. Yes, yes, yes.</p> <p>19 Q. Okay. So my question was: Before the authorities</p> <p>20 pointed out to you that the monastery's septic system was</p> <p>21 discharging sewage into Jamaica Pond, you actually were</p> <p>22 aware of that before it was pointed out to you by the</p> <p>23 authorities, correct?</p> <p>24 MS. BROSIUS: Objection.</p>

<p style="text-align: right;">Page 229</p> <p>1 A. We were aware of smells on the property. Because 2 there was a small brook. And that doesn't empty into 3 Jamaica Pond. It goes across a road, under the road, into 4 a pond in Sargent estate, and from the Sargent estate it 5 goes on and possibly or probably ends up in the Jamaica 6 Pond, but we're a distance from the Jamaica Pond. 7 Q. Do you deny that you told one of your parish 8 priests that you knew about that problem with the septic 9 system but that you had decided not to fix it because of 10 the cost? 11 MS. BROSIUS: Objection. 12 A. It's many, many years, decades. So I can't 13 remember such a situation, who the parish priest is, and if 14 he claims so. 15 Q. After your arrest in Greece, were you barred from 16 re-entering Mount Athos? 17 MS. BROSIUS: Objection. 18 A. Oh, yes. 19 Q. Have you ever returned to Mount Athos since -- 20 A. No. 21 Q. -- that time? 22 A. Not once. 23 Q. Because of the arrest? 24 MS. BROSIUS: Objection.</p>	<p style="text-align: right;">Page 231</p> <p>1 Q. Was that before or after you left ROCOR? 2 A. That was right at the time. 3 Q. Okay. Did you ever visit the Lesna Convent when 4 you were a part of the Russia Church Abroad? 5 A. Twice, I think, maybe thrice. But I did. 6 Q. Did the abbess of the convent complain to 7 Metropolitan Philaret that she had caught you trying to 8 steal relics from the church? 9 MS. BROSIUS: Objection. 10 A. I've never come upon that. I've never heard that 11 from the metropolitan. 12 Q. Have you heard it from the abbess -- 13 A. No. 14 Q. -- of the -- 15 A. No. 16 Q. -- Lesna Convent? 17 A. No, no. 18 MS. BROSIUS: Objection. 19 A. I heard from the deacon, the protodeacon of the 20 metropolitan, Neketas -- they're all reposed now -- that 21 there was such a story circulated. And I said, "Really?" 22 Because we had been benefactors of the convent. And also 23 we gave relics, especially a large relic, complete, of St. 24 Lucia, the Sicilian martyr.</p>
<p style="text-align: right;">Page 230</p> <p>1 A. No. They said that since I'm a foreign citizen, 2 don't have a Greek passport, the canonical or the legal, 3 which is true, according to legal, to the law, I have to 4 get permission first from the ministry of exterior affairs, 5 and then, since I'm a clergyman, an orthodox clergyman, 6 from the ecumenical patriarch. And only then, with those 7 two permissions, can I apply to get permission to visit 8 again the Holy Mountain. 9 We visited once, and they told us, "You cannot do 10 this, and you'll be arrested and put in jail if you do it 11 again." 12 We said, "But we -- we -- we started from here." 13 "You may be for the Holy Mountain; the Holy 14 Mountain is for -- for us you are not. You're foreigners." 15 So -- 16 Q. For Holy Transfiguration Monastery, does it still 17 claim to be under the ecclesiastical direction of the 18 Athenite jurisdiction? 19 A. No, no, no. 20 Q. When did that get removed from the bylaws? 21 A. When the abbot was removed of St. Paul's. 22 MS. BROSIUS: Objection. Sorry. 23 A. Yeah. When the abbot was removed, St. -- Father 24 Andrew. Because he would not commemorate, he was exiled.</p>	<p style="text-align: right;">Page 232</p> <p>1 Q. Are you aware of Holy Transfiguration Monastery 2 ever suing anyone -- I'm not talking about threatening to 3 sue -- 4 A. Yeah. 5 Q. -- but ever suing anyone for copyright 6 infringement other than Archbishop Gregory? And I'm just 7 asking about your personal knowledge. 8 A. No. I'm conscious that the copyright lawyer wrote 9 letters and that the people responded and corrected the 10 situation. Now, you see, I can't -- 11 Q. Let's just answer direct questions here -- 12 A. Yeah. 13 Q. -- okay, so that we have a clean record. 14 A. Yeah. 15 Q. From your personal knowledge -- 16 A. Yeah. 17 Q. -- has Holy Transfiguration Monastery ever sued 18 anyone for copyright infringement, not threatened, but 19 actually -- 20 A. I can't -- 21 Q. -- sued, other than Archbishop Gregory? 22 A. I can't remember such a thing. You'll have to 23 ask -- 24 Q. Okay.</p>

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20 MS. BROSIUS: You know, Chris, these
21 documents -- can I just see, actually,
22 where did we start with these, 95? Our
23 very first -- HTM's very first request for
24 production of documents and things to be

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[illegible]

22 MS. BROSIUS: If -- okay. Let me
23 address that. If -- if you have a certain
24 document request that Archbishop Gregory

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<p>1 propounded to HTM that you believe was 2 responsive, that's one thing. But my 3 question to you is: The document requests 4 were documents and things concerning the 5 monastery, request number 1. So that would 6 be documents in his custody or control or 7 certainly documents he would want to rely 8 on -- 9 MR. INGOLD: They're not documents -- 10 MS. BROSIUS: -- in the course of 11 defending -- is he relying on this 12 document -- these documents to defend the 13 allegations against him? 14 MR. INGOLD: I'm not going to debate 15 the deposition questions -- 16 MS. BROSIUS: Okay. 17 MR. INGOLD: -- with you. 18 MS. BROSIUS: That's fine. 19 MR. INGOLD: The documents that are 20 being submitted are being submitted for the 21 purpose of a discovery deposition. They're 22 part of my work product in the case. 23 MS. BROSIUS: Okay. So I'm just 24 going to again lodge my standing objection</p>	<p>1 just looked at things that are in the files of the 2 monastery? 3 A. Oh, we have big files. I -- I don't know anything 4 about the files. I don't know anything about the Internet. 5 I know that answers have been made and they put it on the 6 Internet. But I can't tell you even how to find it, but if 7 you ask the people tomorrow, they can tell you. 8 Q. Who was Father Justin back in 1986? 9 A. He was a priest monk of our monastery. 10 Q. Okay. 11 A. Elected to be a bishop. He was a clergyman. 12 Q. Did he enjoy the same level of superiority and 13 authority as Father Isaac, Father Ephraim, and yourself? 14 A. No. 15 MS. BROSIUS: Objection. 16 A. No. 17 Q. No. Why not? 18 A. Because he was one of the priest monks. We had 19 other priests; Father Haralampos was more senior to him, 20 many years more senior, and others. But he was one of the 21 priest monks, but he was not a part of the administrative 22 situation of the -- of the -- of the brotherhood. 23 Q. Let's take a look at Deposition Exhibit 98. 24 (Exhibit 98, letter of Bishop</p>
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<p>1 to these, because to the extent your 2 client, not you, is going to rely on them 3 in defense of this lawsuit and in 4 connection with what I can only assume are 5 his affirmative defenses, they were not 6 produced to us when we asked for all 7 documents and things concerning the 8 monastery to be produced to us. 9 MR. INGOLD: Now, our request for 10 production number 9 is "Produce any 11 documents relating to ROCOR's investigation 12 and/or discipline of Holy Transfiguration 13 or any monks thereof." My question to you, 14 Ms. Brosius, is: Why did you not produce 15 these on behalf of your client? 16 MS. BROSIUS: I cannot say that we 17 did or did not. In fact, we believe all 18 relevant responsive documents were produced 19 to you. 20 MR. INGOLD: Well, let's ask the 21 deponent a question. You have a standing 22 objection. 23 BY MR. INGOLD: 24 Q. Founder Panteleimon, are these letters that we've</p>	<p>1 Hilarion to Hieromonk Justin, marked.) 2 MS. BROSIUS: Again, I'm going to 3 note for the record, this was not a 4 document produced to us by Archbishop 5 Gregory in connection with our request for 6 documents. 7 Is it 98? 8 THE STENOGRAPHER: Yes. 9 MS. BROSIUS: Thank you. 10 BY MR. INGOLD: 11 Q. Have you seen this letter before? 12 A. Yes, yes. 13 Q. The letters that appear as Exhibit 97, 96, and 95, 14 they were written before the letter that appears as Exhibit 15 98, correct? 16 MS. BROSIUS: Objection. 17 A. Yes, according to the date. 18 Q. Okay. Father Ephraim wrote back to the 19 metropolitan after the letters that appear in 95, 96, 97 -- 20 MS. BROSIUS: You mean '86, Chris. 21 Q. -- in those exhibits -- 22 MS. BROSIUS: You keep saying '96. 23 It's '86, just for the record. 24 THE WITNESS: '87.</p>

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<p style="text-align: right;">Page 245</p> <p>1 MR. INGOLD: No, no. I'm talking 2 about Exhibit 96. 3 Q. Can you look at Exhibits 95, 96, and 97? Do you 4 see that the date on those letters is all the same? 5 A. Oh, that's -- now -- 6 MS. BROSIUS: Objection. 7 Q. November 20th -- 8 A. Yeah. 9 Q. -- of the civil calendar? 10 A. There is a contention there. 11 Q. Okay. Well, let's just take it step by step, 12 because your attorneys can follow up and ask more 13 questions. 14 A. Yeah. Right. 15 Q. They can clarify this stuff. But let's -- let's 16 just try to get through this. 17 A. Right. 18 Q. The November 20th letter went to you, went to 19 Father Isaac, and went to Father Ephraim, correct? 20 MS. BROSIUS: Objection. 21 Q. Is that right? 22 A. Yes. 23 Q. Okay. And then the allegation at least is that 24 Father Ephraim wrote back the metropolitan after that</p>	<p style="text-align: right;">Page 247</p> <p>1 of Massachusetts. Any member of our community can go to 2 the authorities and say this incorporation is not following 3 its bylaws. Vladyka, you heard?" 4 "I heard." 5 "So what are we going to do?" 6 Because they wanted to appoint, one -- refuse on 7 his own, the man, Father Justin to be administrator until 8 they decided who would be the new abbot. 9 And so he said, because he didn't want any lawsuit 10 on his hands, he said, "According to your bylaws, proceed 11 and elect the new abbot." We have witnesses to this. 12 So we had to proceed within the frame time that 13 our bylaws stated, and Father Isaac was elected. There 14 were two candidates, Father Ephraim and Father Isaac. And 15 I thought that they would elect Father Ephraim, who was -- 16 had seniority. They elected Father Isaac. 17 Father Ephraim was very relieved. He didn't want 18 to be abbot. He didn't want to be -- he didn't want to be 19 anything. In obedience he is what he is. 20 And so Father Isaac became the abbot. And Father 21 Justin did not leave the monastery over this leaving the 22 role. Years after, when he was elected to be a bishop, he 23 got nervous about being a bishop, and he left and went to 24 Sinai. He's still at Sinai.</p>
<p style="text-align: right;">Page 246</p> <p>1 letter and said, "Hey, we're severing our connection with 2 you?" 3 A. No, no. 4 MS. BROSIUS: Objection. 5 A. No. There's a letter by our grammateus, that is, 6 our secretary, Father Ephraim, which demonstrates that they 7 went and tampered with the dating to make it appear that 8 they wrote before they were informed that the -- all these 9 clergy and the monastery and the common were leaving ROCOR. 10 And he demonstrated with -- with proofs that they are -- 11 they are lying, they are tampering with and trying to make 12 it appear that they got to us before. 13 We communicated with Metropolitan Vitaly twice 14 before this all -- these 11 months, right, visiting once in 15 Montreal and once with witnesses to New York. And, also, 16 as soon as I was relieved of being abbot, I phoned 17 metropolitan. He was in the West Coast. I don't know 18 where he was; he was not in Montreal nor New York. And I 19 said, "Vladyka, according to our bylaws, within 48 hours of 20 the death of an abbot or his resignation, there has to be 21 an election by the brotherhood of a new abbot." 22 So he heard me out. 23 And I said, "If we don't follow through, then we 24 will be liable to the laws of incorporation from the state</p>	<p style="text-align: right;">Page 248</p> <p>1 Q. So from the point of view -- 2 A. So this is tamper -- 3 Q. -- of the Russian -- 4 A. The date is tampered for those three letters. The 5 date is November 20th/December 9, whatever it is, new 6 style. 7 Q. So you're accusing the Russian Orthodox Church 8 Outside of Russia of fraud? 9 A. Yes. 10 MS. BROSIUS: Objection. 11 A. Absolutely. 12 Q. Okay. 13 A. We have it in writing when we wrote it and 14 demonstrated to Father Hilarion, who -- Bishop Hilarion, 15 who's now metropolitan. 16 Q. Now, do you know that -- 17 A. And they never -- 18 Q. -- the monastery -- 19 A. They never answered that. 20 Q. Do you know that the monastery has produced in 21 this litigation a letter from Father Ephraim that is dated 22 and says, "Hey, we're leaving you, and all the brothers of 23 the monastery have agreed to do this." Are you aware that 24 that's been produced in this litigation?</p>

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<p style="text-align: right;">Page 249</p> <p>1 A. I was not here.</p> <p>2 MS. BROSIUS: Objection.</p> <p>3 A. I was abroad in the island of Alonissos at our</p> <p>4 convent there. I was spiritual father -- Alonissos,</p> <p>5 O-i-n-n-o-u-s-a-i.</p> <p>6 Q. Okay. If the monastery produced that to me in</p> <p>7 this litigation, would you agree that that is the letter</p> <p>8 upon which the monastery is relying for dates?</p> <p>9 A. I cannot tell you, because it was a whole bunch of</p> <p>10 clergy was involved. They had gone twice to New York, very</p> <p>11 well received the first time by Metropolitan Vitaly; second</p> <p>12 time he refused, and among them were two Russian priests,</p> <p>13 and --</p> <p>14 Q. Did you tell Metropolitan Vitaly that you wanted</p> <p>15 an ecclesiastical court to be convened regarding these</p> <p>16 allegations of you --</p> <p>17 A. Absolutely.</p> <p>18 MS. BROSIUS: Objection.</p> <p>19 Q. Let -- let me finish --</p> <p>20 A. Yes.</p> <p>21 Q. -- the question, okay?</p> <p>22 A. Yes, yes, yes, yes.</p> <p>23 Q. Because if I don't --</p> <p>24 A. Yes, yes.</p>	<p style="text-align: right;">Page 251</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>
<p style="text-align: right;">Page 250</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>	<p style="text-align: right;">Page 252</p> <p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p>

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Category	Percentage
Category 1	~10%
Category 2	~85%
Category 3	~70%
Category 4	~70%
Category 5	~25%
Category 6	~75%
Category 7	~78%
Category 8	~80%
Category 9	~35%
Category 10	~95%
Category 11	~100%
Category 12	~80%
Category 13	~98%
Category 14	~95%
Category 15	~85%
Category 16	~90%
Category 17	~92%
Category 18	~80%
Category 19	~65%
Category 20	~15%
Category 21	~95%

22 **A.** -- simple. In all the instances of infringement
23 on copyright, when it was brought to the attention of the
24 people that did it, if not immediately, within exchange of

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[illegible]

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1 two, three letters of the lawyers or just by us, they'd
2 recognized their mistake, they asked forgiveness, and they
3 either withdrew or else they put an acknowledgment, "This
4 is translation by Holy Transfiguration Monastery,
5 copyright," et cetera.

6 In the instance of Bishop Gregory, this was not
7 so. He never said, "I did wrong." And he went ahead and
8 published one of our works, the life of St. Andrew of
9 Crete, and we didn't know anything about it this until
10 Kapner, you know, spilled the beans. And then that the
11 other work, Saint of Isaac was -- and we had a whole, I
12 think, and it cost us not a small sum of money, but we have
13 to defend our -- otherwise, if we let it go, then it will
14 be a free-for-all for everyone in the future.

15 So it has nothing to do personally. And all these
16 things that you say about Bishop Gregory, he wrote me
17 letters and pleading, why we don't allow him to -- because
18 we were suspicious of him visiting the monastery -- while
19 we were in service, he was wandering throughout the
20 monastery, that how do we know if things would have being
21 removed? And then some things were removed either before
22 or after.

23 Then whatever I had to say myself personally,
24 there was a letter by his brother that was written to me,

<p style="text-align: right;">Page 269</p> <p>1 "How long will my brother be discriminated against and not 2 be allowed to visit the monastery where he was tonsured? 3 What do you have against my brother? Why don't you show 4 mercy? Why don't" -- so I sat down and wrote a long, long 5 letter. That is even in the website of our monastery. We 6 were forced to make things like that public. And -- 7 Q. And the members of your -- 8 A. That -- you can read it there. 9 Q. -- monastery referred to it as "the bomb"? 10 A. As the what? 11 Q. As "the bomb." 12 MS. BROSIUS: Objection. 13 Q. Against Archbishop Gregory. 14 A. Bomb? 15 Q. As a bomb. 16 A. No. 17 MS. BROSIUS: Objection. 18 A. He referred to that. 19 Q. Okay. 20 A. He said "I can't show my face" after he read that. 21 "Look at what all these things are said." 22 Well, sir, if we have slandered anyone, and if 23 some people -- they should have taken us to court. No one 24 has taken us to court. And we don't take people to court</p>	<p style="text-align: right;">Page 271</p> <p>1 A. That's Father Pachomius, right? 2 Q. Is that his signature? 3 A. I think -- I don't know about -- about 4 handwriting. I can never -- when people write to me notes, 5 I can never recognize. Father Isaac is very good, "This is 6 so-and-so." So I guess it is, but I don't know for sure. 7 Q. Can you look at the page before, paragraph 14 and 8 15. "At my direction in approximately February 2008, and 9 after the complaint was served on defendant, I accessed the 10 same portions of the defendant's website where these PDF's 11 were formerly available; see exhibit -- see attached 12 Exhibit C. Where the textural works were once available, 13 defendant has now posted a notification which states: 14 'January 9th, 2008. We apologize, but due to possible 15 copyright infringement, this page is not available at this 16 time.'" Do you see that? 17 A. Yes. 18 Q. Is -- does that look like the actions of somebody 19 who was trying to not cooperate with you? 20 MS. BROSIUS: Objection. 21 A. Seeing that he consciously took two works of ours 22 and was trying to print them himself and that was judged 23 already, and we paid a big sum of money. We apologized -- 24 Q. A big sum of money? Money -- I'm sorry -- I --</p>
<p style="text-align: right;">Page 270</p> <p>1 unless they continue and they are stubborn to say they have 2 the right to be using and it's free for all because it 3 belongs to the church; it doesn't belong to you; it belongs 4 to the synod. What kind of nonsense is this, the synod? 5 What has the synod to do with the translations of a 6 monastery? Even their bishops recognize that they're ours, 7 and Bishop Laurus withdrew whatever they took from ours and 8 put in their prayer book, and they had their own 9 translations. Fine. They could use it if they want to put 10 an acknowledgment. He didn't want to put the 11 acknowledgment, so he just removed it. That's an 12 acknowledgment from the bishops themselves that they don't 13 have copyright of -- of our things. 14 Q. Let's -- 15 A. So these arguments are -- are out of order. 16 Q. Let's take a look at Deposition Exhibit 101. 17 (Exhibit 101, affidavit of Father 18 Pachomius, marked.) 19 Q. I know that you have testified that you've not 20 seen this affidavit before, but -- 21 A. No. 22 Q. -- if you'd turn to the last page, page 6, do you 23 recognize that signature that is executed under penalty of 24 perjury?</p>	<p style="text-align: right;">Page 272</p> <p>1 A. We -- we spent a big sum of money with -- with 2 lawyers to defend our copyright of Saint of Isaac and The 3 Life of St. Andrew -- St. Andrew the Fool. 4 Q. But we've already seen in today's deposition the 5 copyright registration of Dana Miller regarding that work, 6 correct? 7 MS. BROSIUS: Objection. 8 A. We were awarded the copyright. We have the 9 copyright. We argued that in court. We won that. So if 10 he had -- 11 Q. Have you disclosed those documents in this case as 12 relevant to this proceeding? 13 MS. BROSIUS: Objection. 14 A. That is not my realm. I'm not the -- the lawyers. 15 I'm not the person involved in the situation. But this -- 16 Q. Was there an order -- 17 A. There was not an apology -- if there was an 18 apology to us and say, well, "Dear fathers, it was a slight 19 thing that I -- yes, I will post it that these are yours," 20 then we have no case. It would be malice on our part to 21 pursue anything. 22 Q. Isn't it malice on your part -- 23 A. No, it is not. 24 Q. -- to pursue?</p>

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<p>1 A. It is not. 2 MS. BROSIUS: Objection. 3 A. It is not. 4 Q. How so? 5 A. Because if we don't, then they're going to be put 6 back on. 7 Q. Says who? 8 A. If we drop it and we -- we turn the other way, 9 turn the other cheek, then there's going to be -- and then 10 anyone can use it, and that's a free-for-all. Forget about 11 it. 12 Q. So you're testifying you should not turn the other 13 cheek? 14 MS. BROSIUS: Objection. 15 A. I'm testifying that the unruly should be punished, 16 according to St. Paul. That's why if you want quotes from 17 the Scripture, you can find a lot of quotes, sir. 18 Q. Tell me where -- 19 A. And that's -- 20 Q. -- that comes from. 21 A. -- out of order. That's way out of -- that's 22 robbery. That's stealing. 23 Q. In what letter does it say the unruly should be 24 punished?</p>	<p>1 Q. How so? 2 A. This, sir, is not the place to bring these things 3 up. You want -- we have a proper channel to -- to discuss 4 these things. 5 Q. Oh, no -- 6 A. So I'm not here for a trial. I'm here to make a 7 deposition. I'm honestly answering your questions, and 8 that's it. 9 Q. Father Panteleimon, this actually is the place to 10 bring this up, because one of my concerns in this case is 11 the motivation for the only lawsuits ever brought by Holy 12 Transfiguration -- 13 A. Because this is the only person that has -- 14 Q. Can I finish my question? 15 A. All right. Finish your question. 16 Q. Okay. You cut my questions off repeatedly; are 17 you aware of that? 18 A. Well, you cut me off also. 19 Q. Okay. I would like to let you finish direct 20 answers, and I would like to ask direct questions. Is that 21 fair? 22 A. Good, good. 23 Q. Okay. My concern is the only copyright 24 infringement lawsuit ever brought by Holy Transfiguration</p>
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<p>1 MS. BROSIUS: Objection. 2 A. It's in the Scriptures. 3 Q. Which letter of St. Paul? 4 A. I don't remember. But it is -- go find a 5 concordance, you'll find it. A concordance of the New 6 Testament. 7 Q. Are you referring to the statement that why 8 governments are instituted among men by God? 9 MS. BROSIUS: Objection. 10 A. I don't remember, sir. I just remember that it's 11 been used again and again that the unruly should be 12 punished. And, as I say, if the apology was made to the 13 monastery, it would have been very un-Christian on us not 14 to accept it and to say, "Fine. Then you can use it by 15 posting that's it's ours." 16 No, he does not want to use -- say it's from us. 17 He -- he is the one, if anyone has the malice. So then 18 what -- what -- 19 Q. What malice does he have toward you? 20 A. Not to acknowledge that it's our work. 21 Q. Why do you believe the archbishop has malice 22 toward you? 23 A. Because again and again it's been demonstrated in 24 many different ways. And I don't --</p>	<p>1 Monastery is against a clergyman who has been outspoken on 2 religious issues in conflict with your order. Is that 3 correct? 4 MS. BROSIUS: Objection. 5 A. Sir, no. No. 6 Q. Who else have you sued? 7 MS. BROSIUS: Objection. 8 A. Sir, if the convent of Kasimani persisted in 9 selling our pocket -- pocket edition of the Psalter, we 10 would have pursued it in the course. But they understood 11 the seriousness. They withdraw the situation. They put a 12 label inside their -- the remaining copies, and they 13 promised not to reprint it. We -- we started printing it. 14 Now it's the second or third edition, I don't know, because 15 it was one of the most popular things we ever printed, the 16 pocket-size one. 17 So if this other person down south who had put our 18 whole Psalter had not withdrawn it, then we would have 19 pursued it, yes. 20 So it's not a personal thing of malice. I'm 21 sorry, sir. It's a clear-cut situation of infringement and 22 copyright. 23 Q. Do you understand -- 24 A. It's a legal situation.</p>

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<p>1 Q. -- the perception, though? Are -- are you 2 familiar -- 3 A. No, I will not grant you that. It's not malice. 4 It's a clear-cut -- anyone in our position would take the 5 same course. If the other person says, "Oh, I did a 6 mistake; forgive me," we're Christians, of course. But 7 then you withdraw your situation. Or else -- 8 Q. Okay. Let's -- 9 A. Bishop Roberts acknowledged, and he withdrew? He 10 withdrew all the -- the dismissal hymns that were from us, 11 et cetera. He had it retranslated or used someone else's 12 translation, and in their prayer book, they had nothing 13 which is of our situation. 14 Q. Let's talk Christian. 15 A. Yes. 16 Q. It's a -- it's a fundamental principle: Avoid 17 even the appearance of evil, correct? 18 MS. BROSIUS: Objection. 19 A. Sir, I -- I will not continue this -- this 20 conversation. This conversation has nothing to do with the 21 copyright situation. It's something personal now. 22 Q. No, no. It -- 23 A. You have become very personal. I'm sorry. 24 Q. It is. Let me -- let me tell you --</p>	<p>1 spent on the record; can you identify that 2 for us? 3 (Discussion off the record.) 4 MS. BROSIUS: Chris, do you want to 5 go off the record to get a better sense of 6 how much time you have left? 7 MR. INGOLD: That's fine. I -- I do 8 want to finish up this one -- 9 THE WITNESS: All right. All right. 10 MR. INGOLD: -- question, because I 11 think it might tie up at least this line of 12 questions. Okay. 13 MS. BROSIUS: You've asked him -- if 14 it's the one about malice, I believe it's 15 been asked and answered now by him -- 16 THE WITNESS: Yes. 17 MS. BROSIUS: -- a couple of times. 18 THE WITNESS: It's not malice. 19 MR. INGOLD: Well -- 20 MS. BROSIUS: Is there a different 21 question you want to pose -- 22 MR. INGOLD: -- that may be your 23 opinion. 24 MS. BROSIUS: -- on that.</p>
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<p>1 A. Sir -- 2 Q. -- why -- 3 A. -- you want to ask other questions, fine. You 4 don't want to ask other questions, I have the right to 5 refuse to answer. 6 Q. Actually, that's not true, Founder -- 7 A. Well -- 8 Q. -- Panteleimon. 9 A. I'm sorry. 10 MS. BROSIUS: Maybe we should take a 11 break and just cool down for a couple of 12 minutes. 13 How much longer do you think you need 14 to go, Chris? So we have some -- some 15 sense of when this is going to be over. 16 MR. INGOLD: I need to use my entire 17 seven hours. 18 MS. BROSIUS: Well, how much -- I'm 19 not asking you that. I'm just asking you 20 how much more time you need. 21 MR. INGOLD: I'm probably have an 22 hour and a half to two hours. I'm going to 23 have to find some way to cut it down. 24 MS. BROSIUS: How much time have we</p>	<p>1 MR. INGOLD: I believe that when we 2 look at the transcript of the record, that 3 this question is an important follow-up 4 question that hopefully will finish up this 5 line of questions. 6 MS. BROSIUS: If it's a follow-up, 7 that's fine. So why don't we have the last 8 question read back to us so we know exactly 9 what was asked, maybe the last two 10 questions would be helpful, and then we'll 11 know where we stand. 12 THE WITNESS: Ask them. He's going 13 to ask them? 14 MS. BROSIUS: We're going to hear 15 what the last -- 16 THE WITNESS: Oh. Oh. 17 MS. BROSIUS: -- questions that you 18 were asked and that which you answered 19 were. 20 MR. INGOLD: I have no objection. 21 That sounds like a good resolution. 22 (Record read.) 23 MR. INGOLD: Okay. 24 THE WITNESS: I hear.</p>

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<p>1 BY MR. INGOLD:</p> <p>2 Q. Would you agree that to a casual, disinterested</p> <p>3 observer, the fact that the monastery has only ever</p> <p>4 actually followed through with a lawsuit for copyright</p> <p>5 infringement against one man, Archbishop Gregory, with whom</p> <p>6 the monastery has a history of disagreement over very</p> <p>7 important issues, at least provides the appearance that the</p> <p>8 motivation for this lawsuit is malice?</p> <p>9 MS. BROSIUS: Objection. Asked and</p> <p>10 answered. Compound.</p> <p>11 Q. Go ahead.</p> <p>12 A. Absolutely not.</p> <p>13 Q. How so?</p> <p>14 A. How so?</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 A. If anyone persisted outside of Bishop Gregory to</p> <p>17 misuse our and misrepresent our situation, we would have</p> <p>18 pursued it. No one insisted. And since they did not, how</p> <p>19 to pursue it, just out of vengeance, just because of</p> <p>20 malice? No. It's not malice. It's not vengeance. It's a</p> <p>21 copyright situation. He does not want to understand he</p> <p>22 cannot be doing this.</p> <p>23 Q. So why don't you sue the Russian Orthodox Church</p> <p>24 Outside of Russia for their continued use of the Old</p>	<p>1 MR. INGOLD: I'm sorry you didn't</p> <p>2 hear the --</p> <p>3 A. You should ask --</p> <p>4 MR. INGOLD: -- inflection at the end</p> <p>5 of my voice.</p> <p>6 A. -- the persons that are responsible for our</p> <p>7 copyrights. I have -- I have -- know nothing about the</p> <p>8 Internet and what they put on the Internet. Maybe if it is</p> <p>9 on Internet, then we'll write them another letter and we'll</p> <p>10 bring it to their attention that they have something on the</p> <p>11 Internet which -- without acknowledgment of what is from</p> <p>12 us. If it is, they are absolutely going to receive a</p> <p>13 letter.</p> <p>14 Q. And --</p> <p>15 A. And that's not vengeance, and that's not trying to</p> <p>16 pick a fight with them. That's proper. That's in order.</p> <p>17 Q. In fact --</p> <p>18 A. So thank you for informing me of this. I'll tell</p> <p>19 the other fathers.</p> <p>20 Q. In fact, isn't it true that Holy Transfiguration</p> <p>21 Monastery has over the past two decades, maybe three,</p> <p>22 collected all the different English translations of the</p> <p>23 different services, compiled them together in various</p> <p>24 forms, and claimed copyright over them to take services out</p>
Page 282	Page 284
<p>1 Jordanville Prayer Book?</p> <p>2 MS. BROSIUS: Objection.</p> <p>3 A. Because they cleaned it up. They don't use</p> <p>4 anything of ours; therefore, they don't have to give any --</p> <p>5 any -- any -- how do you call it -- acknowledgment.</p> <p>6 Q. It's available on the World Wide Web.</p> <p>7 A. Yes, but it's not our translations of the</p> <p>8 dismissal. It's their translations done locally there in</p> <p>9 Jordanville.</p> <p>10 Q. It's the Old Prayer Book. It's on the World Wide</p> <p>11 Web. They also have a new one.</p> <p>12 A. Sir --</p> <p>13 MS. BROSIUS: Objection. Is there a</p> <p>14 question?</p> <p>15 A. The old one -- well, the old one, yes. They had</p> <p>16 recognized in -- in letter, Bishop Laurus to us.</p> <p>17 Q. But they put the old one on the Internet.</p> <p>18 A. Well, then, that's they're -- I have no -- sir, I</p> <p>19 do not know about the Internet.</p> <p>20 MS. BROSIUS: Chris, are you</p> <p>21 testifying or is there a question?</p> <p>22 A. I told you.</p> <p>23 MR. INGOLD: That's a question.</p> <p>24 A. I know nothing about the Internet.</p>	<p>1 of the public domain?</p> <p>2 MS. BROSIUS: Objection.</p> <p>3 A. Absolutely not. Absolutely -- and anyone who is</p> <p>4 intelligent, is not an imbecile, can sit down, and he knows</p> <p>5 that languages that they were trans from, will see they're</p> <p>6 direct translations and not compilation from existing</p> <p>7 translations.</p> <p>8 Q. So if I can show you --</p> <p>9 A. What was done from Hapgood was done from the</p> <p>10 Slavonic, not from the Greek, and it's quite different.</p> <p>11 Q. So if I can show you where 90 percent at least of</p> <p>12 your Psalter comes identical to Brenton's translation --</p> <p>13 A. Sir --</p> <p>14 Q. -- why is that?</p> <p>15 A. -- if you have a case, pursue the case. We</p> <p>16 disagree, and I will disagree on that, and demonstrate it</p> <p>17 to us.</p> <p>18 Q. Well, I'm -- I'm asking you to tell me --</p> <p>19 A. 90 percent of the liturgy have not been</p> <p>20 translated. They are translated by us. Only 10 percent</p> <p>21 has ever been translated into English.</p> <p>22 Q. I'm talking about The Psalter now.</p> <p>23 A. About The Psalter.</p> <p>24 Q. If I can show you --</p>

<p style="text-align: right;">Page 285</p> <p>1 A. All right. If you can show us, demonstrate it, go 2 to court, and make your case. 3 Q. Well, I'm asking you on this hypothetical to 4 answer a question. If I can show you that 90 percent of 5 your Psalter comes from Brenton's translation of the 6 Septuagint -- 7 A. No. 8 Q. -- why is that? Why are they identical? 9 MS. BROSIUS: Objection. 10 A. You are not able to -- demonstrate it. Now is not 11 the time. Please put it in writing, send it to us, even if 12 it takes five volumes, demonstrate it to us, and then we 13 will answer you. 14 Q. No, no -- 15 A. Then we will answer you. 16 Q. I have that question now, but we're going to take 17 a break -- 18 A. It's a hypothetical question, sir. I told you. 19 We deny that we took anything from -- and that it's 90 20 percent from them. If you can demonstrate that, bravo to 21 you. Demonstrate. 22 Q. We'll do that right after the break. Why don't we 23 take the break that Ms. Brosius talked about -- 24 A. No, I'm not going to stay here for you to</p>	<p style="text-align: right;">Page 287</p> <p>1 THE VIDEOGRAPHER: We're back on the 2 record. The time is 4:43. 3 BY MR. INGOLD: 4 Q. I'm going to hand you what's marked as Deposition 5 Exhibit 15, which is The Psalter, okay? And I'm correct, 6 am I not, that you previously testified that you had a hand 7 in putting together the monastery's version of The Psalter; 8 is that correct? 9 A. Correct. 10 Q. Okay. Would you turn to Psalm 50 with me. 11 A. 50? 12 Q. 50. 13 A. 50. "Have mercy upon me, O God." Famous. 14 Q. Are you there? 15 A. Yes, yes. 16 Q. Okay. I'm going to drop down to the "have mercy." 17 "Have mercy upon me, O God, according to thy great mercy. 18 And according to the multitude of thy compassions, blot out 19 my transgression." Is that what your Psalter reads, 20 Exhibit 15? 21 A. Right. Right. 22 Q. I actually was reading Brenton's translation just 23 then. Why are they identical? 24 A. Because --</p>
<p style="text-align: right;">Page 286</p> <p>1 demonstrate 90 percent that -- which will take hours. 2 Hours. 3 Q. Actually, I'm just going to use one psalm and -- 4 and not the whole 150. 5 A. Sir -- 6 Q. I can take any psalm. 7 A. Tomorrow -- tomorrow you'll have the opportunity 8 with a person who is knowledgeable in this realm to ask 9 these questions, to pose these questions, and to get your 10 answers. I am not the person that is capable to answer 11 these questions. I can say general situations, but I'm not 12 involved in this to say, "Yes, I grant you this, I grant 13 you that." 14 MR. INGOLD: Counsel, I intend to 15 continue the deposition. Would you like to 16 take a break? 17 MS. BROSIUS: Continue it for how 18 long? Can we go off the record and just 19 find out how much time we have left? 20 MR. INGOLD: Sure. 21 MS. BROSIUS: Let's do that now. 22 THE VIDEOGRAPHER: Going off the 23 record. The time is 4:34. 24 (Recess.)</p>	<p style="text-align: right;">Page 288</p> <p>1 MS. BROSIUS: Objection. 2 A. -- there's just so many ways you can translate 3 something, and there's -- that's good English, and they 4 used good English. 5 Q. Okay. 6 A. Bravo to them. 7 Q. So does the monastery claim that that verse is 8 copyright by the monastery? 9 MS. BROSIUS: Objection. 10 A. As a -- as a complete work, The -- The Psalter, 11 yes. 12 Q. How about that one verse in isolation? 13 MS. BROSIUS: Objection. 14 A. We can't go by verses, sir. There's 150 psalms. 15 And there's going to be many verses, not just one verse, 16 that are alike in other translations, but not the whole 17 psalms. 18 Q. Archbishop Gregory did not have the entire Psalter 19 in any form on his website, did he? 20 A. Sir, I don't know web sites. I'm not the person 21 to ask about these things. The person who is competent is 22 going to be deposing tomorrow. Ask him; he will inform 23 you. 24 Q. Which person?</p>

<p style="text-align: right;">Page 289</p> <p>1 A. Oh, no. It's Father Pachomius. That will be 2 on -- 3 Q. On Friday? 4 A. On Friday. 5 Q. Okay. So -- 6 A. And Bishop Ephraim was one that worked, he can 7 also shed light on -- on the -- on the psalms. 8 Q. Which of the fathers of Holy Transfiguration 9 Monastery authorized the filing of this lawsuit against 10 Archbishop Gregory? 11 A. Oh, that's a community. That was brought in a 12 synaxis. 13 Q. Okay. So the -- 14 A. Because that's going to incur an expense, and it 15 can't be done by one, two people, the decision. We have to 16 agree that -- we agree that we're going to pursue this to 17 the end even if it costs us a big sum or not. 18 Q. Do you recall that synaxis? 19 A. Oh, no. It's some time ago. 20 Q. You -- you don't recall a synaxis that would 21 have -- 22 A. Sir -- 23 Q. -- decided -- 24 A. -- sometimes I'm not even present, because I</p>	<p style="text-align: right;">Page 291</p> <p>1 A. Because I have to be abroad. 2 Q. Okay. Well, see, that -- that wasn't my question. 3 If you were at the synaxis where this was decided, is it 4 likely you would remember it? 5 A. No, it's not likely. It's not that important for 6 me. It's not a life-and-death situation. It's not for me. 7 It's a very detailed -- 8 Q. It's not important to you -- 9 A. No. 10 Q. -- to sue a fellow Christian? 11 A. No, no, no. That's not my realm, sir. That's the 12 realm of the people that are responsible about the 13 copyrights that reported to the whole community -- to me 14 and to the whole community, and a decision is made, and 15 then we proceed on that decision. 16 Father Pachomius has never made a decision on his 17 own. Bishop Ephraim has never made a decision on his own. 18 And I have never made a decision on these issues. It's a 19 community situation. 20 So I don't remember being present at the synaxis, 21 but it had to be brought up. It can't have been done just 22 by one, two people decided and then we're going to be 23 paying bills, you know, without our knowledge. No. It 24 was -- we don't keep things secret from the members in the</p>
<p style="text-align: right;">Page 290</p> <p>1 have -- we have three convents, and I have duties across 2 even in Europe. So I'm not even present in many a synaxis. 3 Q. That's fine. I -- I actually wasn't done with my 4 question. 5 A. So usually I was present. I might have not been 6 there for this one. 7 Q. Okay. I actually -- 8 A. So I can't be -- 9 Q. -- have not asked a question. 10 A. Right. 11 Q. What you're doing is you're -- you're making 12 statements without a question. 13 A. All right. Right. You ask a question; I'll 14 answer. 15 Q. Okay. This is my question: Is it possible that 16 you would attend a synaxis that deals with suing for 17 copyright infringement the only person ever sued by the 18 monastery and yet you would not recall it? 19 MS. BROSIUS: Objection. 20 Q. Is that possible? 21 A. It's possible, yes, absolutely. 22 Q. How so? 23 A. Because I'm not present many times. 24 MS. BROSIUS: Objection.</p>	<p style="text-align: right;">Page 292</p> <p>1 community. 2 Q. Let's go to the next verse. The verse 3 was 3 identical to the Brenton's. So let's go to verse 4. Are 4 you looking at verse 4 -- 5 A. You -- you -- 6 Q. -- of Psalm 50 of The Psalter? 7 A. You told me the first one. 8 Q. Well, the "have mercy"? 9 A. Yeah. 10 Q. Okay. So the next verse reads as follows, does it 11 not: "Wash me thoroughly from mine iniquity, and cleanse 12 me from my sin." 13 A. Right. 14 Q. That's what it reads in Exhibit 15, your 15 Psalter -- 16 A. Right. 17 Q. -- is that right? 18 A. Right, right. 19 Q. But I was reading again from Brenton's. 20 A. Good. That's good. 21 MS. BROSIUS: Objection. 22 Q. Say what? Why would that be? 23 A. Because I told you. I've said it again and again, 24 sir. You don't listen. Try to remember and you'll know</p>

<p style="text-align: right;">Page 293</p> <p>1 what, the answer. I told you. Because there's just so 2 many -- the ways you can translate something in the English 3 language. And this is good English. But if -- if this is 4 a copyright, Brenton is copyrighted also, so. 5 Q. Who copyrighted Brenton? 6 MS. BROSIUS: Objection. 7 A. I don't know. I don't know. But all these 8 applications are copyrighted. We can't reprint Baxter's -- 9 how do you call it -- Psalter -- I mean Old Testament, and 10 we can't do it. 11 Q. Do you know what it means for something to be in 12 the public domain? 13 MS. BROSIUS: Objection. 14 A. Sir, I -- I am not cognizant of these things. You 15 have to find the people that understand. I don't know. 16 Q. Okay. If I were to represent to you that 17 Brenton's translation of the Septuagint is not 18 copyrighted -- 19 A. All right. Fine. Then it's not copyrighted. So 20 I made a mistake. I'm not knowledgeable of these things. 21 Q. And -- And that's fine. I just am trying to 22 communicate -- 23 A. But -- 24 Q. -- with you here.</p>	<p style="text-align: right;">Page 295</p> <p>1 would say that in the syntax that we should use "pauper" or 2 we should use -- and we would take it into account. But it 3 didn't mean that everything that he said, we agreed with. 4 But it was four of us, three that knew Greek well, 5 Father Arsenios -- I still use The Psalter in Greek; that's 6 my liturgical language. I grew up very Greek, and -- but, 7 of course, I hear it in church always in English, because 8 we don't use the Greek Psalter any longer, because the 9 community, there's only two or three people that understand 10 the Greek, and the rest don't. 11 Q. The phrase, and I'll provide the court reporter 12 with this spelling later, "Kyrie eleison, Kyrie eleison, 13 Kyrie eleison," how can that be translated into English? 14 A. No other way -- 15 MS. BROSIUS: Objection. 16 A. -- than "Lord have mercy." 17 Q. Okay. 18 A. No other way. 19 Q. So does Holy Transfiguration Monastery claim 20 copyright -- 21 A. Sir, we don't claim -- 22 MS. BROSIUS: Objection. 23 A. -- copyright on words. We -- we -- on works, on a 24 whole thing, we claim copyright. Not on words. Not on</p>
<p style="text-align: right;">Page 294</p> <p>1 A. -- because there's verses that are similar or 2 exact does not mean that we copied from them. 3 Q. Okay. You're saying that there's just a limited 4 number of ways that the Greek can be translated -- 5 A. Yes. 6 Q. -- into good English? 7 MS. BROSIUS: Objection. 8 Q. Is that correct? 9 A. Correct. 10 Q. And you know that because you translate Greek to 11 English? 12 A. Right. 13 Q. And you translated at least a portion of Exhibit 14 15, The Psalter, from the Greek into the English, correct? 15 A. We put each verse, not portion, each verse, in 16 Greek. And then we had at least five lines down empty. 17 Three of us knew good Greek. One did not know Greek. 18 That's Father Alexis, who is in England now, the abbot of 19 St. Edward the King -- Martyr King brotherhood. But his 20 English was good. He was British, English. And so he 21 would referee when we had disagreement about rendering a 22 Greek word in different ways in English. Like "poor man," 23 "pauper." When to use "pauper," when to use "poor man." 24 And it's the same word in Greek. You understand? So he</p>	<p style="text-align: right;">Page 296</p> <p>1 words, sir. 2 Q. Okay. 3 A. But as a whole, yes. 4 You said that we compiled. You know that 90 5 percent of the liturgical works have not been translated 6 into English. The Festal Menaion of British's Kallistos 7 Ware, and Hapgood's -- how do you call it -- General 8 Menaion for general feasts, you know, and the few others, 9 that's what was in English, and a few things by Nassar, but 10 not in serve -- whole services. He put out that big like 11 Horologion, et cetera. 12 But 90 percent has not been trans -- it has been 13 translated by us. And most of it has been printed; since 14 we printed the 12 Menaion, that's a big chunk of it, and 15 The Pentecostarion. But we still have to print now the 16 Horologion -- The Octoechos. And we've fine-tuned, as I 17 told you, The Pentecostarion, to reprint it now. It's 18 going to be in print again. And by the end of the year, 19 Saint of Isaac should be in reprint, or the beginning of 20 the year. We really worked on that also and revised the 21 situation. Things were brought to our attention, the use 22 of "noose," if it's intellect or mind, and we agree that it 23 was not supposed to be intellect; it was mind. 24 Q. Are you familiar with a Horologion that is put out</p>

<p style="text-align: right;">Page 297</p> <p>1 by Holy Trinity Mission?</p> <p>2 A. Oh, yeah. Holy Trinity Monastery, right? That's</p> <p>3 at my brother -- what's his name?</p> <p>4 Q. Holy Trinity Mission.</p> <p>5 A. Mission? No. Where is Holy Trinity Mission?</p> <p>6 Q. You're not familiar with it?</p> <p>7 MS. BROSIUS: You have to respond</p> <p>8 verbally.</p> <p>9 A. No. No. No. I'm -- I'm -- I'm aware of a</p> <p>10 Horologion that was put out, may -- not printed,</p> <p>11 mimeographed like by Jordanville, by one of the brothers;</p> <p>12 it wasn't printed by the monastery, though.</p> <p>13 Q. So it would be your testimony that you have not</p> <p>14 ever heard of a -- of an organization called Holy Trinity</p> <p>15 Mission?</p> <p>16 A. No.</p> <p>17 MS. BROSIUS: Objection. Asked and</p> <p>18 answered.</p> <p>19 A. No.</p> <p>20 MR. INGOLD: Well, I'm trying to</p> <p>21 clarify.</p> <p>22 A. No.</p> <p>23 Q. Okay.</p> <p>24 A. Maybe the other fathers that you -- maybe they've</p>	<p style="text-align: right;">Page 299</p> <p>1 it infringes your --</p> <p>2 A. No, because it's not, and it's not might and</p> <p>3 meter. It can't be chanted according to the original</p> <p>4 melodies. Ours can be chanted according to the -- which is</p> <p>5 a big, big accomplishment how that could be done.</p> <p>6 Q. So if the organization of The Octoechos is</p> <p>7 arranged differently than your Octoechos, it's not the</p> <p>8 same?</p> <p>9 MS. BROSIUS: Objection.</p> <p>10 A. The translation is not the same. We know it.</p> <p>11 Q. Okay.</p> <p>12 A. Because we know, and we have a copy of them, the</p> <p>13 mimeograph one. What was the name of that brother? I</p> <p>14 think he's reposed, but I don't remember right now. Do you</p> <p>15 have the author?</p> <p>16 Q. How about the menaia that is put out by</p> <p>17 Jordanville?</p> <p>18 A. That's by Mr. Lambert. He's a layman, and that is</p> <p>19 from the Slavonic.</p> <p>20 Q. And that does not --</p> <p>21 A. No.</p> <p>22 Q. -- infringe?</p> <p>23 A. It cannot -- it cannot compare. It -- it is done</p> <p>24 from Slavonic. Some things are very different and cannot</p>
<p style="text-align: right;">Page 298</p> <p>1 heard of it. I'm not on things.</p> <p>2 Q. What I'm -- I'm trying to follow up on your</p> <p>3 statement that you're unfamiliar with any other</p> <p>4 translations other than yours --</p> <p>5 A. Well, I don't say I'm not familiar. We used to</p> <p>6 use them; we had to use them. Sir, before we did our own</p> <p>7 and published it, we had to use them.</p> <p>8 Q. There is an organization called Holy Trinity</p> <p>9 Theological School?</p> <p>10 A. Really? In the United States?</p> <p>11 Q. Yeah. In Jordanville.</p> <p>12 A. Oh, yes, of course.</p> <p>13 Q. Okay.</p> <p>14 A. That's known very well.</p> <p>15 Q. And if they have an outreach called Holy Trinity</p> <p>16 Mission that --</p> <p>17 A. Oh, so that's the same facility.</p> <p>18 Q. -- that provides certain translations --</p> <p>19 A. Yes. They have one translator, Isaac Lambert.</p> <p>20 Q. Okay.</p> <p>21 A. And he's pretty good, but he does it from</p> <p>22 Slavonic, not from Greek, the original. So it's a</p> <p>23 translation of a translation.</p> <p>24 Q. So if he has an Octoechos, are you concerned that</p>	<p style="text-align: right;">Page 300</p> <p>1 be chanted.</p> <p>2 Q. How about their Pentecostarion?</p> <p>3 A. I don't even know that they put out a</p> <p>4 Pentecostarion.</p> <p>5 Q. How about the Old Rite Prayer Book; have you ever</p> <p>6 heard of that?</p> <p>7 A. Oh, we have a copy. They used, if I'm not</p> <p>8 mistake, our Psalter, and they gave acknowledgment.</p> <p>9 Q. Is it your position that they infringe?</p> <p>10 A. No. They give acknowledgment, I told you. The</p> <p>11 Coptic Church in the United States, they were delighted</p> <p>12 that we made a good translation of the -- of the Psalter,</p> <p>13 and they asked to use the whole Psalter. We -- we gave</p> <p>14 them permission, but they give acknowledgment where due.</p> <p>15 They say where it's from. They haven't printed The Psalter</p> <p>16 separately, but throughout their services, they use the</p> <p>17 whole Psalter. And because now they use the Egyptian youth</p> <p>18 is not speaking Arabic. So they wanted to use English.</p> <p>19 Q. So is it --</p> <p>20 A. That's the reason.</p> <p>21 Q. -- your testimony that the only part of the Old</p> <p>22 Rite Prayer Book that follows the monastery's --</p> <p>23 A. Is The Psalter.</p> <p>24 Q. Is The Psalter.</p>

<p style="text-align: right;">Page 301</p> <p>1 A. Yes.</p> <p>2 Q. But the rest of it is different?</p> <p>3 A. It's even different from the -- the -- the rest of</p> <p>4 the Russian church. Because they didn't want to reform</p> <p>5 when there were reforms. A lot of mistakes have crept in,</p> <p>6 because they didn't know Greek well. And under Patriarch</p> <p>7 Nikon a few centuries ago, they brought a monk, St. Maximus</p> <p>8 the Greek from the monastery of Vatopedi, Holy Mountain,</p> <p>9 who knew the Slavonic well and knew the Greek well, and he</p> <p>10 stayed a lifetime in Russia correcting the liturgical</p> <p>11 terms. And the old believers did not accept the</p> <p>12 corrections, so they still have the old translation, all</p> <p>13 the mistakes. So that's why their translation into English</p> <p>14 has the mistakes that they had before Nikon, the patriarch.</p> <p>15 So it's different even from the Jordanville Prayer Book.</p> <p>16 Q. Have you ever heard of the Byzantine -- Byzantine</p> <p>17 Catholic Seminary in Pittsburgh, Pennsylvania?</p> <p>18 A. Oh, yeah, they're Uniates.</p> <p>19 Q. Do you feel --</p> <p>20 A. I've --</p> <p>21 Q. -- that their translations infringe on your work?</p> <p>22 MS. BROSIUS: Objection.</p> <p>23 A. I have no idea. I have no idea. I have not read</p> <p>24 any of their translations.</p>	<p style="text-align: right;">Page 303</p> <p>1 Q. Do you did do that for profit, for --</p> <p>2 A. No.</p> <p>3 Q. -- monetary gain?</p> <p>4 A. No. When they buy, then they buy. And our</p> <p>5 publications are very inexpensive in comparison to the</p> <p>6 paper we use, the binding; it's first class. We can</p> <p>7 compare and tell you stories. The Vatican has printed a</p> <p>8 Slavonic Menaion, very nice edition, but much smaller than</p> <p>9 our format, some thousands of dollars for these small</p> <p>10 volumes. Well, but it's a small printing, and it's</p> <p>11 expensive. The euro is up; the dollar is down. So it's</p> <p>12 charge -- we've charged 1,000 for the all, and that's</p> <p>13 nothing.</p> <p>14 Q. Do you believe that the translations available</p> <p>15 through the Greek Orthodox Archdiocese of America infringe</p> <p>16 on your work?</p> <p>17 A. They're horrible. They don't infringe on our</p> <p>18 work. You should see what some professors that know Greek</p> <p>19 well have said. I won't even -- the akathists they came</p> <p>20 out with, you think it was a study in biology or something.</p> <p>21 Q. Have you ever heard of St. Anthony's Monastery?</p> <p>22 A. St. Anthony in Arizona. Arizona?</p> <p>23 Q. Do you believe -- in Arizona. Do you believe</p> <p>24 their work infringes on your work?</p>
<p style="text-align: right;">Page 302</p> <p>1 Q. Are you familiar with St. George Church and their</p> <p>2 translation work?</p> <p>3 A. Where? Which? Where? St. George Church, the</p> <p>4 Syrians have a hundred St. George churches. It's St.</p> <p>5 George, St. Elias. One of the two.</p> <p>6 Q. Various sources compiled by a Father Peter</p> <p>7 Gregory, have you ever heard of him?</p> <p>8 A. Peter Gregory, no, no. I don't know. Is it in</p> <p>9 Boston? They have a St. George -- St. George Church in</p> <p>10 Boston, but I don't know.</p> <p>11 Q. You're saying that the cops -- the Coptic Orthodox</p> <p>12 Church is using your Psalter?</p> <p>13 A. Yes. They asked permission, and they -- and we</p> <p>14 granted it.</p> <p>15 Q. Do you commemorate their bishops or --</p> <p>16 A. Of course not.</p> <p>17 Q. Do you accept their people for communion?</p> <p>18 A. No, we're not in communion. They're monophysites.</p> <p>19 They separate themselves after the Third Ecumenical</p> <p>20 Council. They don't accept the councils after the third.</p> <p>21 Especially the fourth of Chalcedon. They will not accept</p> <p>22 it. So we're not people, you know, that will not share.</p> <p>23 We share with people outside our jurisdiction. If they,</p> <p>24 you know, they want to use them, fine.</p>	<p style="text-align: right;">Page 304</p> <p>1 MS. BROSIUS: Objection.</p> <p>2 A. No. They have a Father Ephraim who is not Greek,</p> <p>3 but knows Greek excellently and music more than</p> <p>4 excellently, and he has been asking us to use our English</p> <p>5 translations because they're not allowed, their monastery,</p> <p>6 to use English. But he puts on the website for free to be</p> <p>7 downloaded arrangements of our Eothina. That's the -- the</p> <p>8 end hymn of every Orthros on Sunday. The eight tones. And</p> <p>9 we gave him permission, but of course he gives</p> <p>10 acknowledgment, and we don't charge anything.</p> <p>11 Q. Is it your position that the troparia that are</p> <p>12 translated by Rassophor Monk Lawrence --</p> <p>13 A. That's it. Lawrence.</p> <p>14 Q. -- they --</p> <p>15 A. He did The Horologion. He did the --</p> <p>16 Q. -- they infringe on your work?</p> <p>17 A. No.</p> <p>18 MS. BROSIUS: Objection.</p> <p>19 A. No. He has his own true -- own translations. And</p> <p>20 some people like them; some people say no, they're not --</p> <p>21 and, of course, it's done from Slavonic. It's not done</p> <p>22 from the Greek. So it's a translation of a translation, or</p> <p>23 some things are not even in Greek. They're just written in</p> <p>24 Slavonic directly for the Russian saints that we don't have</p>

<p style="text-align: right;">Page 305</p> <p>1 in Greek.</p> <p>2 As a person, he's a solid, good person, this</p> <p>3 Father Lawrence, that's his name. But I don't know if he's</p> <p>4 still alive. I visited there a week and a half ago. Not a</p> <p>5 soul. And I couldn't find even their bookstore after I</p> <p>6 worshipped at the tombs of the metropolitans that are</p> <p>7 reposed and others. And I went back to the parking lot</p> <p>8 with the two fathers, and someone drove in, and it was the</p> <p>9 brother of this Father Williams who wanted to print our</p> <p>10 Pentecostarion, and Father Chad was in Maine.</p> <p>11 And I said to him, "Father, where is everyone?"</p> <p>12 "I don't know," he says, "I'm -- I'm also a</p> <p>13 visitor."</p> <p>14 But he showed us where the bookstore, and we</p> <p>15 bought a few books.</p> <p>16 There are many translations around of certain</p> <p>17 things, but not the Menaion. Father and this Lambert has</p> <p>18 done, but he's not completed a Menaion. I don't know how</p> <p>19 many volumes he's done.</p> <p>20 Q. You're familiar with the Emmaus translation of The</p> <p>21 Psalter?</p> <p>22 A. No. Who's Emmaus? That's the shrine --</p> <p>23 Q. The one translated by -- I think that was Father</p> <p>24 Lawrence.</p>	<p style="text-align: right;">Page 307</p> <p>1 He gave us a lot of things, a lot of life, beautiful</p> <p>2 things, the man. He was -- and he's the one who</p> <p>3 translated, and we give -- The Ladder of Divine Ascent,</p> <p>4 Father Lazarus Moore. And then we found many mistakes.</p> <p>5 We said, "Father, can we correct?"</p> <p>6 He said, "Fathers, you know the Greek. That was</p> <p>7 the original. I did it from the Russian." And</p> <p>8 "Absolutely. Not only that," he says, but "my version,"</p> <p>9 which was printed in England, "they took the liberty," this</p> <p>10 press, "to change things without even informing me."</p> <p>11 So he sent us a whole list of corrections he would</p> <p>12 have made for a new edition. And we really sat down, so</p> <p>13 now it's really a new translation. But in the beginning,</p> <p>14 the first edition, it was one-third that was corrected.</p> <p>15 But since then it's the whole thing has been correctly --</p> <p>16 Q. Do you believe that any of the translations hosted</p> <p>17 by the Orthodox Church in America infringe your work?</p> <p>18 MS. BROSIUS: Objection.</p> <p>19 A. No. And their translation's in modern English.</p> <p>20 They don't use the "thee," the "thou," and all that, you</p> <p>21 know. They want modern situation. And, of course, it's</p> <p>22 not metered, so it can't be chanted. It can be chanted</p> <p>23 Russian style, but that's without melody, just in the tone.</p> <p>24 Q. Have you ever heard of the St. Sergius of Radonezh</p>
<p style="text-align: right;">Page 306</p> <p>1 A. Oh, really? No. No. I -- the first time I hear</p> <p>2 Emmaus publishing house. I think he's a resident in</p> <p>3 Jordanville, Father Lawrence. Brother Lawrence, not</p> <p>4 father, Brother Lawrence. He's at Jordanville, I think.</p> <p>5 He was. But I've lost track.</p> <p>6 Q. Father Lazarus Moore, would he --</p> <p>7 A. Oh.</p> <p>8 Q. -- have translated the -- the Emmaus translation?</p> <p>9 A. The what.</p> <p>10 Q. The Emmaus?</p> <p>11 MS. BROSIUS: Objection.</p> <p>12 A. The Psalter?</p> <p>13 Q. Yeah. Let me spell it for you.</p> <p>14 A. I know Emmaus. I know Emmaus. That's where our</p> <p>15 Savior went with Luke and Cleopas on the day of the</p> <p>16 Resurrection, and they thought he was a stranger; they</p> <p>17 didn't recognize him. He appeared in another form.</p> <p>18 Q. How about Oesterley, have you ever heard of that</p> <p>19 translation of the psalms?</p> <p>20 A. Oesterley? No.</p> <p>21 MS. BROSIUS: Objection.</p> <p>22 A. Father Lazarus gave us his manuscript hoping that</p> <p>23 we would publish it, because he didn't have money, the poor</p> <p>24 man. He was living, as I told you, in an ashram in India.</p>	<p style="text-align: right;">Page 308</p> <p>1 parish?</p> <p>2 A. Where? St. Sergius of Radonezh. No. There are</p> <p>3 parishes in the Russian church, both in the OCA and in the</p> <p>4 Russian Church Abroad of St. Sergius of Radonezh. But</p> <p>5 which parish?</p> <p>6 Q. They're under Metropolitan Laurus, Alypy.</p> <p>7 A. Yeah. All right. Then -- oh. Is the cathedral</p> <p>8 in Cleveland St. Sergius? I think so. Yeah, yeah, yeah.</p> <p>9 That's St. Sergius. One of them. In Cleveland.</p> <p>10 Q. So they have an English General Menaion --</p> <p>11 A. General Menaion.</p> <p>12 Q. -- do you believe that that infringes --</p> <p>13 A. No.</p> <p>14 Q. -- any of your works?</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 A. No. Observes. All right. No. General Menaion</p> <p>17 is not a part of our -- we never came out with a General</p> <p>18 Menaion.</p> <p>19 Q. How about --</p> <p>20 A. We just put in the name of the saint. He's a</p> <p>21 martyr or he's a hieromartyr or it's a female saint or a</p> <p>22 male saint, and it's a common service for anyone. So we</p> <p>23 don't go for that.</p> <p>24 Q. How about their English Resurrectional Octoechos;</p>

<p style="text-align: right;">Page 309</p> <p>1 do you think that infringes your work?</p> <p>2 MS. BROSIUS: Objection.</p> <p>3 A. I haven't heard of it. See, there's a collection</p> <p>4 of things that come out. Whenever we hear that there's a</p> <p>5 translation, we buy it, just to see what's being done. But</p> <p>6 I'm not a priest of it, and I don't study it, and it's --</p> <p>7 it's put in a special place in the library just for</p> <p>8 reference for ourselves to know what's being -- and then to</p> <p>9 also see if they are infringing on our copyright. And we</p> <p>10 verify that, no, they're not, you know. It's their own</p> <p>11 versions.</p> <p>12 Q. Have you ever heard a General Menaion that was put</p> <p>13 out by an anonymous person -- let's see if I can get the</p> <p>14 date here -- in 2000?</p> <p>15 A. No. As I told you, a General Menaion is just you</p> <p>16 put the name in of the saint, and it's the same. That's</p> <p>17 not really a service to the saint.</p> <p>18 Q. Okay.</p> <p>19 A. The first General Menaion was done by Hapgood, and</p> <p>20 that was in the days of Patriarch Tikhon when he was</p> <p>21 archbishop here and with the blessings of Tikhon.</p> <p>22 Q. How about the General Menaion of Archimandrite</p> <p>23 Ephraim? Have you ever heard of him?</p> <p>24 A. Oh, yes. He's in England.</p>	<p style="text-align: right;">Page 311</p> <p>1 someone can print something that we have and that it should</p> <p>2 make the acknowledgment. At least it comes into print.</p> <p>3 Q. So --</p> <p>4 A. So Father John Fleser is head of that.</p> <p>5 Q. If an individual has a translation of the liturgy</p> <p>6 with the secret prayers, is that different than what you</p> <p>7 have out there in the Prayer Book?</p> <p>8 MS. BROSIUS: Objection.</p> <p>9 A. Don't know. Don't know.</p> <p>10 Q. I'm sorry?</p> <p>11 A. I don't know.</p> <p>12 Q. Well, at least the secret prayers would be</p> <p>13 different, because they're not in your Prayer Book, right?</p> <p>14 A. Well, yeah. We did it from the Greek. If they</p> <p>15 did it from the Russian or Slavonic, it would be different.</p> <p>16 Q. Okay.</p> <p>17 A. A little different.</p> <p>18 Q. Okay. So at least whatever portions of a liturgy</p> <p>19 that are out there contain the secret prayers, then they're</p> <p>20 not anything that's in your Prayer Book?</p> <p>21 A. No. No. We haven't come out with our version yet</p> <p>22 of the -- with the secret prayers. And before we did our</p> <p>23 translation, we were using the -- the Hapgood.</p> <p>24 (Discussion off the record.)</p>
<p style="text-align: right;">Page 310</p> <p>1 Q. Do you think any of his works infringe on --</p> <p>2 A. No.</p> <p>3 Q. -- your works?</p> <p>4 MS. BROSIUS: Objection.</p> <p>5 A. He's very -- very colorful. Very English.</p> <p>6 Peculiar. And he demands his points. He's very, very</p> <p>7 funny.</p> <p>8 Q. Have you ever heard of a translation of the Divine</p> <p>9 Liturgy by an individual named Vernoski?</p> <p>10 A. No. Russian, Vernoski. No.</p> <p>11 Q. So you don't have a position on whether that</p> <p>12 infringes --</p> <p>13 A. No, no.</p> <p>14 Q. -- on any of your translation works?</p> <p>15 MS. BROSIUS: Objection.</p> <p>16 Q. Have you all translated the liturgy?</p> <p>17 A. Yes. We have that in the Prayer Book.</p> <p>18 Q. Okay. The entire liturgy?</p> <p>19 A. The entire liturgy.</p> <p>20 Q. Including the secret prayers?</p> <p>21 A. No, not the secret prayers. The dioceses is</p> <p>22 working on an official HOCNA edition, but it's translation</p> <p>23 of the monastery; we give an acknowledgment. But we don't</p> <p>24 have the funds to print everything. So we're happy if</p>	<p style="text-align: right;">Page 312</p> <p>1 Q. Have you heard of a Father John Whitehead?</p> <p>2 A. Yes, I've heard of him, but I -- I don't know if I</p> <p>3 met him. May have met him 30 years ago.</p> <p>4 Q. Do you think the resources that he makes available</p> <p>5 to the church violate your copyright?</p> <p>6 A. I'm not --</p> <p>7 MS. BROSIUS: Objection.</p> <p>8 A. I'm not aware of his translations. I'm not up on</p> <p>9 these things, sir. I don't have the time to be reading all</p> <p>10 these translations. That doesn't interest me.</p> <p>11 Q. Did you ever hear of a St. Gregory of Palamas</p> <p>12 Monastery that --</p> <p>13 A. Oh, yes.</p> <p>14 Q. -- made translations?</p> <p>15 A. Yes.</p> <p>16 Q. Of The Horologion?</p> <p>17 A. Yes, yes.</p> <p>18 Q. Of the Menaion?</p> <p>19 A. I don't think they made the Menaion.</p> <p>20 Q. Of The Octoechos?</p> <p>21 A. I don't know. I don't know. They're in</p> <p>22 California.</p> <p>23 Q. Of the Pentecostarion?</p> <p>24 A. Really?</p>

<p style="text-align: right;">Page 313</p> <p>1 Q. Of the Triodion?</p> <p>2 A. Everything in English?</p> <p>3 Q. Yes. So you don't know whether they are what you</p> <p>4 would accuse of --</p> <p>5 A. I -- I don't think they would. They -- they're</p> <p>6 very, very -- they claim to have so many degrees and very</p> <p>7 scholarly, and they say, "We don't have numbers, but we</p> <p>8 have quality," and so what they do, you know, they try to</p> <p>9 be very -- but, oh, they came out with a Psalter, and we</p> <p>10 bought -- we bought it. And the paper is horrible; it's so</p> <p>11 white, and it glares. But they wanted to print it on this</p> <p>12 paper because they put a lot of miniatures in it and the</p> <p>13 colors would not come out good if the paper wasn't right.</p> <p>14 So to sacrifice -- they sacrificed the glaringness of the</p> <p>15 white. And we weren't impressed by the translation, their</p> <p>16 translation, of The Psalter. But it's a very lovely thing</p> <p>17 with all the illuminations, the icons in it. And it's</p> <p>18 quite expensive, so it's not going to be any kind of a</p> <p>19 competition for us. I mean it's \$40 or \$50 for a Psalter.</p> <p>20 And what is ours, you know, I forget, but less than half.</p> <p>21 Thank you.</p> <p>22 Q. You mentioned that two monks fled in a pickup</p> <p>23 truck with sound recording equipment; one of them was</p> <p>24 Father Evgenios?</p>	<p style="text-align: right;">Page 315</p> <p>1 Q. Okay.</p> <p>2 A. We borrowed the money from them.</p> <p>3 Q. Okay.</p> <p>4 A. And we paid it all in full back, and when he left,</p> <p>5 he went through the checks and took all the checks. But he</p> <p>6 didn't know that the stubs were still there, the canceled</p> <p>7 checks. So we had the stubs, which was evidence that we</p> <p>8 had paid over a year and a half all the money back to the</p> <p>9 family. So it did not belong to him personally.</p> <p>10 And if it was a donation, if they claimed it, they</p> <p>11 took it off taxes, and it was not a donation, it was a</p> <p>12 loan, which was paid back.</p> <p>13 So that was robbery, that was stealing equipment,</p> <p>14 removing equipment that was paid by the monastery, not by</p> <p>15 the family. He claimed that after to cover up his</p> <p>16 situation. But what we -- we want is the tapes he took</p> <p>17 that we cannot replace.</p> <p>18 A lot of people took things, and that is very</p> <p>19 dishonorable, and that -- the community still doesn't want</p> <p>20 to forgive. I forgive, but some won't forgive.</p> <p>21 Q. Have you read the bylaws of Holy Transfiguration</p> <p>22 Monastery?</p> <p>23 A. They had to be discussed to be endorsed by the</p> <p>24 community, so way back, way back, yes. But not recently.</p>
<p style="text-align: right;">Page 314</p> <p>1 A. Right.</p> <p>2 Q. Is it true that his family had donated that</p> <p>3 equipment --</p> <p>4 A. Sir --</p> <p>5 Q. -- to the monastery?</p> <p>6 MS. BROSIUS: Objection.</p> <p>7 A. Sir, if you hear the details, you will be aghast.</p> <p>8 Q. Well, that's my question. Is it true?</p> <p>9 A. I was the abbot at the time. And when I heard</p> <p>10 thousands of dollars, and we were really poor. We had just</p> <p>11 barely to put food on the table. I said, "What are you</p> <p>12 talking about for?"</p> <p>13 "Oh, we need it if we're going to good" -- and the</p> <p>14 man -- we never came out with any good recordings. So --</p> <p>15 Q. Okay. I'm lost because I don't think I got an</p> <p>16 answer to my question.</p> <p>17 A. Yes.</p> <p>18 Q. Evgenios was one of the monks that you said --</p> <p>19 A. Yes.</p> <p>20 Q. -- fled in a pickup truck?</p> <p>21 A. And I'm explaining to you about the equipment.</p> <p>22 Q. Yeah, but that's not my question. My question is:</p> <p>23 Did his family donate the equipment?</p> <p>24 A. No, they did not.</p>	<p style="text-align: right;">Page 316</p> <p>1 Q. They've been modified over the years, though?</p> <p>2 A. A couple of times.</p> <p>3 Q. Okay. Do any of the versions of the bylaws of</p> <p>4 Holy Transfiguration Monastery violate the canons?</p> <p>5 MS. BROSIUS: Objection.</p> <p>6 A. Sir, I can't even remember the -- the bylaws, and</p> <p>7 I can't answer this question competently.</p> <p>8 Q. Did the Russian Orthodox Church Outside of Russia</p> <p>9 encourage the translation of church services into English?</p> <p>10 A. No.</p> <p>11 Q. At any time ever?</p> <p>12 A. No. They were interested in their own Russian</p> <p>13 thing. It was we that were non-Russians that were</p> <p>14 interested in having the translations into English.</p> <p>15 Q. So if they --</p> <p>16 A. There were zealous people from time to time, but</p> <p>17 they -- they were converts, like Father Lazarus Moore, very</p> <p>18 zealous, this Lazarus Moore, who was ordained by the Church</p> <p>19 Abroad, and most of his life was in the Church Abroad, then</p> <p>20 disappeared and went under the OCA.</p> <p>21 Q. If they were to testify that they had encouraged</p> <p>22 translation --</p> <p>23 A. Still, that doesn't mean --</p> <p>24 Q. -- into English, would you disagree with that</p>

<p style="text-align: right;">Page 317</p> <p>1 statement?</p> <p>2 A. I would like to see it, and I would be surprised,</p> <p>3 who it was and when.</p> <p>4 Q. You've never heard that before, that they --</p> <p>5 A. No.</p> <p>6 Q. -- took the position?</p> <p>7 A. They were happy, they were happy, but not that</p> <p>8 they commissioned us or encouraged us, no, I don't -- I'm</p> <p>9 not --</p> <p>10 Q. You don't think they had a committee or a group</p> <p>11 that was in charge --</p> <p>12 A. Oh. They had started --</p> <p>13 Q. -- of translations?</p> <p>14 A. They had started something like that with Lambert,</p> <p>15 et cetera, et cetera. But --</p> <p>16 Q. When?</p> <p>17 A. Oh, decades ago. Some decades ago.</p> <p>18 Q. Before all of the translation work at the</p> <p>19 monastery?</p> <p>20 A. No. In the process of our translation, and --</p> <p>21 Q. Before you left ROCOR?</p> <p>22 A. Oh, way before. And he had his platform, his --</p> <p>23 his ideas of translation, which disagreed in principle with</p> <p>24 some of ours, et cetera. But, of course, he was doing it</p>	<p style="text-align: right;">Page 319</p> <p>1 Q. The Prayer Book that we've looked at today would</p> <p>2 be sacred?</p> <p>3 A. Yes.</p> <p>4 Q. The Ascetical Homilies that we've looked at here</p> <p>5 today, Exhibit No. 9, would be sacred?</p> <p>6 A. Yes.</p> <p>7 Q. The Octoechos that we've looked at here today</p> <p>8 would be sacred?</p> <p>9 A. Yes, yes.</p> <p>10 Q. Okay. The Collected Dismissal Hymns would be</p> <p>11 sacred?</p> <p>12 A. Right.</p> <p>13 Q. Exhibit 12 and 13, the Pentecostarion, would be</p> <p>14 sacred?</p> <p>15 A. Correct.</p> <p>16 Q. Exhibit 15, The Psalter, would be sacred?</p> <p>17 A. Correct.</p> <p>18 Q. These are sacred things of the church?</p> <p>19 A. Yes.</p> <p>20 Q. Are there things in Holy Transfiguration Monastery</p> <p>21 that are not sacred, like food, clothing?</p> <p>22 A. All that is blessed.</p> <p>23 Q. But it's not sacred?</p> <p>24 A. Well, if it's blessed, it receives a blessing, a</p>
<p style="text-align: right;">Page 318</p> <p>1 from Slavonic. So his translations received approbation.</p> <p>2 But still he copyrighted all his translations under his</p> <p>3 name, not under the synod, although he might have been</p> <p>4 encouraged by the synod, and there was a committee that was</p> <p>5 formed at his prompting to okay these things. So it was a</p> <p>6 self-serving situation for his own translations. But he</p> <p>7 did not put -- still all his translations are copyrighted</p> <p>8 by him, printed mostly by Father Williams in Tennessee, St.</p> <p>9 John of Kronstadt Press, but copyright Isaac Lambert.</p> <p>10 Q. Okay. The Great Horologion that we've looked at,</p> <p>11 the Prayer Book, the Ascetical Homilies, The Octoechos, the</p> <p>12 Collected Dismissal Hymns, the Pentecostarion, and The</p> <p>13 Psalter, which we've looked at today, are those sacred,</p> <p>14 just like icons are sacred?</p> <p>15 A. Everything in the church is sacred, sir.</p> <p>16 Q. So those are sacred?</p> <p>17 A. Everything is sacred, of course, sacred writings.</p> <p>18 Q. Okay. So let -- let me just make sure I'm clear,</p> <p>19 because --</p> <p>20 A. All right. All right.</p> <p>21 Q. -- I'm not sure I'm clear. The Great Horologion</p> <p>22 translation that we've looked at today would be sacred; is</p> <p>23 that true?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 320</p> <p>1 seal, our clothing even.</p> <p>2 Q. Okay. Is it your position that everything on the</p> <p>3 grounds of the building of Holy Transfiguration Monastery</p> <p>4 is sacred?</p> <p>5 A. Once -- on the first of the month, we have holy</p> <p>6 water and then the great theophany water, the great</p> <p>7 blessing in January. We sprinkle the grounds, the trees,</p> <p>8 the plants, the gardens, the house, the -- the cells,</p> <p>9 everything. Our heat generator, everything is blessed.</p> <p>10 MR. INGOLD: Okay. I have no further</p> <p>11 questions at this time.</p> <p>12 MS. BROSIUS: Can we take just a</p> <p>13 one-minute break?</p> <p>14 MR. INGOLD: Sure.</p> <p>15 MS. BROSIUS: Great.</p> <p>16 THE VIDEOGRAPHER: Going off the</p> <p>17 record. The time is 5:22.</p> <p>18 (Recess.)</p> <p>19 MR. INGOLD: Just back on the record</p> <p>20 here, it's my understanding that</p> <p>21 plaintiff's counsel has no responsive</p> <p>22 questions. Is that correct?</p> <p>23 MS. BROSIUS: That's correct.</p> <p>24 MR. INGOLD: Okay. So the deposition</p>

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<p style="text-align: right;">Page 321</p> <p>1 is now at a conclusion. 2 (Deposition concluded: 5:28 p.m.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 323</p> <p>1 PLEASE ATTACH TO THE DEPOSITION OF FATHER PANTELEIMON 2 CASE: SOCIETY OF THE HOLY TRANSFIGURATION MONASTERY, INC 3 VS. ARCHBISHOP GREGORY OF DENVER, COLORADO 4 DATE TAKEN: SEPTEMBER 16, 2009 5 ERRATA SHEET 6 Please refer to Page 322 for Errata Sheet instructions and 7 distribution instructions. 8 PAGE LINE CHANGE REASON 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 I have read the foregoing transcript of my 17 deposition, and except for any corrections or changes noted 18 above, I hereby subscribe to the transcript as an accurate 19 record of the statements made by me. 20 21 Executed this ____ day of _____, 2009. 22 23 _____ 24 FATHER PANTELEIMON</p>
<p style="text-align: right;">Page 322</p> <p>1 ERRATA SHEET DISTRIBUTION INFORMATION 2 DEPONENT'S ERRATA & SIGNATURE INSTRUCTIONS 3 4 5 ERRATA SHEET DISTRIBUTION INFORMATION 6 7 The original of the Errata Sheet has been delivered 8 to Amy L. Brosius, Esquire. 9 When the Errata Sheet has been completed by the 10 deponent and signed, a copy thereof should be delivered to 11 each party of record and the ORIGINAL forwarded to 12 Christopher L. Ingold, Esquire, to whom the original 13 deposition transcript was delivered. 14 15 INSTRUCTIONS TO DEPONENT 16 17 After reading this volume of your deposition, please 18 indicate any corrections or changes to your testimony and 19 the reasons therefor on the Errata Sheet supplied to you 20 and sign it. DO NOT make marks or notations on the 21 transcript volume itself. Add additional sheets if 22 necessary. Please refer to the above instructions for 23 Errata Sheet distribution information. 24</p>	<p style="text-align: right;">Page 324</p> <p>1 COMMONWEALTH OF MASSACHUSETTS SUFFOLK, SS. 2 3 I, JAMES A. SCALLY, RMR, CRR, a Certified 4 Shorthand Reporter and Notary Public duly commissioned and 5 qualified in and for the Commonwealth of Massachusetts, do 6 hereby certify that there came before me on the 16th day of 7 September, 2009, at 9:00 a.m., the person hereinbefore 8 named, FATHER PANTELEIMON, who was by me duly affirmed to 9 testify to the truth and nothing but the truth of his 10 knowledge concerning the matters in controversy in this 11 cause; that he was thereupon examined upon his affirmation, 12 and his examination reduced to typewriting under my 13 direction; and that this is a true record of the testimony 14 given by the witness to the best of my ability. 15 I further certify that I am neither 16 attorney or counsel for, nor related to or employed by, any 17 of the parties to the action in which this deposition is 18 taken, and further, that I am not a relative or employee of 19 any attorney or counsel employed by the parties hereto or 20 financially interested in the action. 21 22 My Commission Expires: April 23, 2015 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 James A. Scally, RMR, CRR CSR/Notary Public</p>